

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2010-35086
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 15, 2010
St. Clair County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on July 15, 2010. Claimant personally appeared and testified along with her mother

[REDACTED].

ISSUE

Did the department correctly terminate claimant's Family Independence Program (FIP) benefits in September, 2009?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. Claimant was a FIP recipient and a mandatory Jobs, Education and Training (JET) participant when she was determined not to be JET compliant without good cause in May,

2009. This was claimant's first JET noncompliance and as she agreed to comply with JET, no sanction or loss of FIP benefits took place.

2. On [REDACTED] notified the department that the claimant had exceeded allowable monthly absences from the JET program.

3. JET notes show that the claimant did not report to JET site on August 12, 13, 18, 19, and 20, 2009. On August 24, 2009 JET staff called the claimant at 11:30 a.m. Claimant stated that she was going to a shelter to be placed due to domestic issue. Claimant stated she knew she was absent on August 12, and 13, 2009, but that she had job searched on August 14, 2009.

4. Claimant further stated she would be able to return to JET site on August 25, 2009 at 8:30 a.m. with shelter verification and job search log, and that if she could not return to the site for any reason she would call and speak to staff. Claimant also stated if for any reason she did not return to site she would call site to speak with staff, and that she understood her file would be returned if she does not report to site and/or call with any domestic issue.

5. The JET telephone conversation with the claimant on August 25, 2009 was held in front of another staff member to witness the conversation, according to JET notes.

6. Claimant did not show up at JET site on August 25, 2009 at 8:30 a.m. as she was required to do, but instead called at 8:40 a.m. to say she was running late. Claimant arrived at 9:20 a.m. Claimant's case was referred for triage due to her JET noncompliance.

7. At triage on September 2, 2009 claimant stated she had not filed a police report regarding alleged domestic violence, that she has stayed at [REDACTED] since [REDACTED], and that prior to that she had stayed with her mother. Claimant was asked why she had done

none or just some of her job searching on August 18, 19 and 20, 2009, and she stated she had domestic issues with her boyfriend on those days also.

8. As the claimant could not provide a police report or any documentation as to why she failed to inform JET of not being able to come to the site on required dates and time, no good cause was granted. Department sanctioned claimant's FIP case and took action to terminate her FIP benefits effective September 23, 2009.

9. Claimant requested a hearing on September 21, 2009 but the department failed to delete negative action and her FIP case closed. Claimant had already served her 3 month JET noncompliance penalty at the time the Hearing Summary was prepared, in May, 2010, and stated she did not want a supplemental payment for FIP she may have to repay if the hearing decision is not favorable to her.

10. Following the hearing record was left open for the department to provide additional information regarding claimant's JET attendance. Department did provide sign in sheets showing the days that the claimant was absent.

11. Department also provided documentation sheet discussing possible deferral for homelessness for the claimant that may have been granted for the time period in question. It is noted that the claimant did not report her homelessness as a barrier to her return to JET on August 25, 2009, even though she was specifically asked if it would be. Homelessness is not an automatic deferral, it is reviewed on a case by case basis.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the

FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (RFT).

That the claimant was a mandatory JET recipient and required to participate in assigned JET activities in order to keep receiving FIP benefits is not in dispute. BEM 230. Also not in dispute is departmental policy that states any client that does not participate in JET activities without good cause is subject to sanctions. BEM 233A.

It is clear from the documentation provided by the department that the claimant indeed failed to report for JET activities as she was required to do. JET notes show extensive conversations with the claimant regarding her obligation to report to JET in a timely manner on August 25, 2009, something she failed to do. Claimant testified that her mother was to bring her to JET on August 25, 2009 but that she was held up by a traffic accident while returning from Detroit, and this is why she was late. Claimant had not brought this issue to the department prior to the hearing. Claimant is given bus tokens for JET activities and it is her responsibility to have sufficient amount of such tokens.

Claimant also testified that her August 25, 2009 appointment with JET was not really an appointment. Claimant's assertion is not valid, as it is clear from JET notes that she was told very specifically that she must return to JET on August 25, 2009 at 8:30 a.m. or her file would be returned for triage.

Lastly, claimant's testimony that she was in a shelter on August 26, 2009 due to domestic violence because there was no room there for her on August 25, 2009 is also not a valid excuse for JET noncompliance. Claimant stayed with her mother two days prior to going to the shelter,

and never provided a police report or any other verification to support her claim of domestic violence. If she had, department's policy certainly cites such serious circumstances as a valid reason for a temporary JET deferral.

In conclusion, department's documentation persuasively shows that the claimant was well aware of her obligation to attend JET in order to continue to receive her FIP benefits, but failed to do so without good cause.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly terminated claimant's FIP benefits in September, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 30, 2010

Date Mailed: August 30, 2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

2010-35086/IR

IR/tg

cc:

