

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201040069
Issue No.: 1005; 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 19, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on July 19, 2010. The Claimant appeared and testified. [REDACTED], FIM, [REDACTED], JET Coordinator and [REDACTED], ES appeared on behalf of the Department.

ISSUE

Did the Department properly close Claimant's Family Independence Program ("FIP") benefits case for non-compliance with the Work First/Jobs Education and Training ("JET") program?

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 recipient of FIP benefits who was assigned to JET.
2. Claimant failed to appear at the Work First agency and her case was referred to triage.
3. Notice of Noncompliance was sent to Claimant on April 16, 2010 with notice of an April 29, 2010 triage meeting.
4. On April 29, 2010 a triage meeting was held and the Department determined that Claimant was noncompliant and did not have good cause for noncompliance.
5. At the pre-hearing conference on June 4, 2010 a Medical Needs form was given to Claimant. Claimant was told if this Medical Needs form stated that she could not work then her case would reopen.

6. A medical needs form was completed by [REDACTED] on June 11, 2010 stating that Claimant could work with limitations.
7. On June 1, 2010 Claimant's FIP case closed and a 90 day sanction was imposed. Claimant was removed from the FAP group.
8. Claimant requested hearing on June 18, 2010 contesting the closure and sanction of FIP benefits.

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 Dependant Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference manual (PRM).

The Family Independence Program (FIP) provides temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency-related activities so they can become self-supporting. Federal and State laws require each work eligible individual (WEI) in the FIP group to participate in the Jobs, Education and Training (JET) Program or other employment-related activities unless temporarily deferred or engaged in activities that meet participation requirements. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain stable employment. BEM 230A.

JET is a program administered by the Michigan Department of Labor and Economic Growth (DLEG) through the Michigan Works Agencies (MWAs). The JET program serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. BEM 230 A. A mandatory participant in the JET program who fails without good cause to participate in employment activity must be penalized. BEM 233(a). The penalty for the first occurrence of noncompliance in the JET program is a closure for a minimum of three calendar months under the FIP program. BEM 233(a). Good cause is a valid reason for noncompliance with employment related activities. A claim of good cause must be verified and documented for applicants, members, and recipients. BEM Manual Item 230(a), BEM Manual Item 230(b); 7 CFR Parts 272 and 273.

In the present case, Claimant was noncompliant with JET and a triage meeting was scheduled. Claimant was noncompliant for failing to participate with the JET program.

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Claimant disputed the underlying noncompliance but failed to submit adequate documentation excusing all her absences.


At the triage on April 28, 2010, Claimant alleged that she was disabled. A medical needs form was given to Claimant and she was told that if her physician stated her medical conditions precluded her from participating then her FIP case would be reopened. The medical needs form dated June 11, 2010 completed by [REDACTED] states that the patient can work with limitations. The limitations stated are "may not do heavy lifting, repetitive bending or prolonged standing". These limitations do not prevent someone from participating with Work First and do not constitute good cause for failing to participate. Therefore the Department was correct to close Claimant's FIP case. Claimant submitted a medical examination report completed by [REDACTED] on June 11, 2010. The opinions stated in this assessment are not supported by medical evidence and this Administrative Law Judge finds them less than credible.

This Administrative Law Judge finds that Claimant refused to cooperate or failed to make a reasonable effort to participate with JET without good cause. Accordingly, the Department's closure of FIP benefits and reduction of FAP benefits were proper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was correct in the closure of FIP benefits and in reducing FAP benefits, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.

/s/



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: July 23, 2010

Date Mailed: July 23, 2010

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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 60 days of the filing of the original request.

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

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