

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

IN THE MATTER:



Reg No. 201042264
Issue No. 1038/3029
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: November 3, 2010
Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

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, an in-person hearing was held on November 3, 2010. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (department) properly propose to impose non-compliance sanctions on claimant's public assistance benefits (FIP/FAP) for failure to comply with mandatory assignments in June 2010?

FINDINGS OF FACT

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

1. At all times relevant, claimant was an ongoing FIP/FAP recipient in the State of Michigan.
2. At all times relevant, claimant fell into a classification of individuals required to work or to comply with specific work-related assignments as a condition of benefit continuation.
3. Claimant's Work First/JET participation history record verifies multiple past instances of failure to participate dating back to 2009; however, sanctions have not previously been applied (Department Exhibit #1, pgs 7 and 8).

4. On June 16, 2010, the department notified claimant in writing she was still failing to comply because she stopped attending and participating in the Job Search component of JET, as assigned (Department Exhibit #1, pgs 2 and 4-5).
5. This notice also advised claimant a mandatory triage meeting would be held on June 28, 2010 (Department Exhibit #1, pg 4).
6. Triage meetings are scheduled so all partners (JET managers, assigned caseworkers and clients) can discuss any alleged barriers to participation which might possibly rise to the good cause level necessary to excuse, reassign, modify or reduce an individual's level of participation in the JET program.
7. On June 28, 2010 (during summer school vacation), claimant attended the scheduled triage meeting and said she needed 100% child care reimbursement for her daughter during non-school hours (before bus to school and after school).
8. Up to that point, claimant had not filed an application for Child Day Care (CDC) services so the department could determine whether or not she was under the income limit necessary to qualify for 100% coverage during the school year, or whether a lower payment percentage would be required in line with the department's sliding income scale, despite claimant's full knowledge of the CDC application process.
9. On June 30, 2010, the department mailed claimant a written notice stating the proposed non-compliance sanctions would be imposed; consequently, claimant signed and returned the back page of the notice to request a hearing, dated July 3, 2010.
10. Because claimant's hearing request was timely the department deleted their proposed FIP/FAP sanctions pending issuance of this Hearing Decision.
11. Claimant's hearing was held in-person in the [REDACTED] department office on November 3, 2010.
12. At the hearing, claimant repeated her need for full coverage CDC (still no application filed) and she stated she believes the department's representative "mistreated" her during the triage meeting.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The department initiated the Jobs, Education and Training (JET) Pilot Program on April 1, 2006. This program replaces the former Work First Program, implemented in 1996 under the welfare reforms initiated by President Clinton through his signing of the Personal Responsibility and Work Opportunity Reconciliation Acts (PRWORA). This Act established a block grant program to distribute federal taxpayer dollars to state governments to fund state cash assistance programs like Michigan's FIP/FAP programs, and also, required all states to develop and implement mandatory employment-related activities, rules and policies for welfare recipients. States who do not meet the federally-established participation rates suffer federal penalty funding cuts to their cash grant programs.

Under JET rules, a Work Eligible Individual (WEI) is a FIP recipient who counts in the state's federal work participation rate. BEM Item 228, pg 2. As a condition of eligibility, all WEIs and non-WEIs must work or engage in employment and/or self-sufficiency related activities. Non-compliance is defined in part by policy as failing or refusing to participate with the JET program, failing to comply with assigned activities on the Family Self-Sufficiency Plan (FSSP) or a Personal Responsibility Plan and Family Contract (PRPFC). BEM Item 233A, pgs 1 and 2.

Good cause is a reasonable set of circumstances for non-compliance with employment and/or self-sufficiency related activities based on factors beyond the control of the non-compliant person. The evidence of record in this case establishes claimant presented no valid good cause reason for failing to participate as assigned at the triage meeting in June 2010, or at the contested case hearing on November 3, 2010.

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cc:

