

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.: 201044338
Issue No.: 1005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 18, 2010
Macomb 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 August 18, 2010. The Claimant appeared, along with her friend [REDACTED], and both testified. [REDACTED], JET case manager 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. On December 14, 2009 Claimant was assigned to Work First with a January 4, 2010 appointment date.
3. On January 5, 2010 Claimant was assigned to Work First with a January 11, 2010 appointment date.
4. Claimant failed to appear at the Work First agency and her case was referred to triage.

5. Notice of Noncompliance was sent to Claimant on March 24, 2010 with notice of an April 8, 2010 triage meeting.
6. On January 22, 2010 a triage meeting was held and the Department determined that Claimant was noncompliant and did not have good cause for noncompliance.
7. On April 30, 2010 Claimant's FIP case closed and a 90 day sanction was imposed.
8. Claimant requested hearing on April 13, 2010 contesting the closure and sanction of FIP benefits.
9. The parties reached an agreement whereby the Department agreed to reinstate FIP benefits back to the date of closure and give Claimant DHS forms 49,49D, and 49E to be completed by her physician.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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

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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 testified that she suffers from abdominal pains and gallstones and this condition precluded her from participating with Work First. Claimant presented no medical evidence for the period of time in question that verifies her condition precluded her from participating with Work First. Claimant conceded that she did not inform the Department of her medical problems until after her case closed. Department policy requires that claims of good cause must be verified and documented. BEM 230(a), BEM 230(b). Therefore the Department's determination that Claimant did not have good cause is proper and correct.

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 implementation of sanction was proper and correct.

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 implementation of sanction, 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: August 27, 2010

Date Mailed: August 27, 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 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.

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