

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: 2010-651

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 29, 2009

Ottawa County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 October 29, 2009. Claimant was present and testified. Dan Boter, Program Manager, appeared on behalf of the department.

ISSUE

Did the Department of Human Services (department) properly close claimant's Family Assistance Program (FIP) benefits for failure to participate in work related activities?

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 applied for FIP benefits on August 13, 2009.
- (2) On August 13, 2009, the department issued a JET appointment notice for claimant to attend Michigan Works/JET on August 24, 2009. (Department Exhibit 1, pg. 4)

(3) Claimant testified he called and spoke with Danielle at JET career resources about assistance with transportation and was expecting a call back with a new appointment date to allow time to make the transportation arrangements.

(4) Claimant testified that his cell phone ran out of prepaid minutes, therefore, if the department or JET tried to call him back, they may not have been able to reach him.

(5) On September 8, 2009, the department issued a Case Action Notice that the FIP benefits were denied for failure to attend or comply with JET prior to the FIP benefits opening. (Department Exhibit 1, pgs. 1-2)

(6) Claimant filed a hearing request to contest the FIP determination on September 18, 2009.

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 manuals.

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 Manual Item 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 Manual Item 233(a). If a customer is found in noncompliance with FIP when they are also a recipient of FAP, their FAP case will also be penalized for a minimum of three months under the JET program. BEM Manual Item 233(b); 42 USC 607. 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.

Under BEM 230A, a participant must appear at JET within 20 days of the referral or the pending application is automatically denied. In the present case, claimant applied for FIP benefits on August 13, 2009. Claimant was referred to the JET program on the same date as his application, and sent a JET appointment notice to attend Michigan Works/JET on August 24, 2009. (Department Exhibit 1, pg. 4) Claimant was made aware of the 20 day time limit in the Work or Self Sufficiency Rules for Cash Recipient he received and signed on August 13, 2009. (Department Exhibit 1 pg. 3) Claimant testified he received the JET appointment notice but needed assistance with transportation. Claimant testified her called and spoke with Danielle at JET career resources regarding transportation assistance and was expecting a call back with a

new appointment date to allow time to make the transportation arrangements. Claimant testified he never received a call back. However claimant also testified that his phone ran out of prepaid minutes so if the department or JET tried to call, they may not have been able to reach him. Further, claimant did not call the department regarding a new JET appointment date until September 9, 2009, which was more than 20 days from his JET referral.

Based upon the foregoing facts and relevant law, it is found that the department properly denied the August 13, 2009 FIP application because claimant did not attend JET within 20 days of his referral. The department testified that as of the date of this hearing, claimant has already reapplied for FIP benefits and his application is being processed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the August 13, 2009 FIP application because claimant did not attend JET within 20 days of his referral.

Accordingly, the department's FIP determination is AFFIRMED.

/s/ _____
Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 9, 2009

Date Mailed: November 9, 2009

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.

2010-651/CL

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 mailing date of the rehearing decision.

CL/cv

cc:

