

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011118  
Issue No: 1038  
Case No: [REDACTED]  
Load No: 5020039202  
Hearing Date:  
[REDACTED]  
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: [REDACTED]

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 hearing was held on [REDACTED].

ISSUE

Did the Department of Human Services (DHS) correctly impose a negative case action and three month sanction upon the claimant for non-compliance with 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 was a FIP recipient in Macomb County.
- (2) Claimant was a participant in the JET program.
- (3) Claimant failed to attend the JET program in [REDACTED]
- (4) Claimant had received an eviction notice on one of the days in question.

- (5) Claimant was sick on one of the days in question.
- (6) Claimant admitted at hearing that she was not busy the entire day she got her eviction notice.
- (7) Claimant did not get a note confirming a doctor's appointment for the day she was sick.
- (8) Claimant was subsequently referred to triage following the absences.
- (9) Claimant attended a triage regarding the matter on [REDACTED].
- (10) Claimant was given an opportunity to provide verification of the appointment.
- (11) Claimant did not provide a note for the appointment.
- (12) Claimant did not provide actual verification of good cause before the negative action date.
- (13) The Department decided that claimant did not have good cause for missing JET and was noncompliant.
- (14) Claimant's FIP case was closed and a one year sanction was applied to claimant's case.
- (15) This was claimant's third incident of noncompliance.
- (16) On [REDACTED] claimant requested a hearing.

#### 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 Bridges Reference Manual (BRM).

All Family Independence Program (FIP) and Refugee Assistance Program (RAP) eligible adults and 16- and 17-year-olds not in high school full-time must be referred to the Jobs, Education and Training (JET) Program or other employment service provider, unless 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 to find employment. BEM 230A, p. 1. A cash recipient who refuses, without good cause, to participate in assigned employment and/or self-sufficiency-related activities is subject to penalties. BEM 230A, p. 1. This is commonly called “non-compliance”. BEM 233A defines non-compliance as failing or refusing to, without good cause:

“...Appear and participate with the Jobs, Education and Training (JET) Program or other employment service provider...” BEM 233A pg. 1.

However, non-participation can be overcome if the client has “good cause”. Good cause is a valid reason for non-participation with employment and/or self-sufficiency-related activities that are based on factors that are beyond the control of the non-participatory person. BEM 233A. **A claim of good cause must be verified and documented.** BEM 233A states that:

“Good cause includes the following...

**Unplanned Event or Factor**

Credible information indicates an unplanned event or factor which likely prevents or significantly interferes with employment and/or self-sufficiency related activities....”

The penalty for noncompliance is FIP closure. However, for the first occurrence of non-compliance on the FIP case, the client can be excused. BEM 233A.

Furthermore, JET participants can not be terminated from a JET program without first scheduling a “triage” meeting with the client to jointly discuss noncompliance and good cause. At these triage meetings, good cause is determined based on the best information available during the triage and prior to the negative action date. Good cause may be verified by information already on file with DHS or MWA. BEM 233A.

If the client establishes good cause within the negative action period, penalties are not imposed. The client is sent back to JET, if applicable, after resolving transportation, CDC, or other factors which may have contributed to the good cause. BEM 233A.

The Department has met their burden of proof in showing that the claimant did not meet her participation requirements with the JET program. The Department has shown, through case notes, that claimant missed JET classes in [REDACTED]; claimant was referred to triage for that reason.

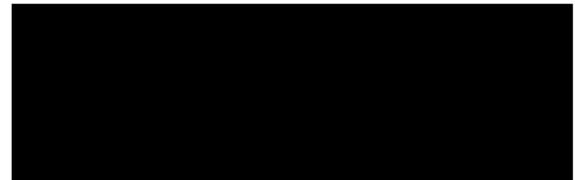
As of the date of this writing, claimant has failed to provide any verification for the absences of [REDACTED]. Claimant was given a chance to return a doctor’s note for one of the absences in July; despite claimant’s assurances that she had the note, no note was ever returned to the Administrative Law Judge. While the undersigned was willing to accept the proposition that claimant had turned in a note to JET and this note was lost, without a note, the undersigned cannot award good cause for the missed hours.

With regard to claimant's eviction, the Administrative Law Judge understands that unusual circumstances occur, and that when claimant received the eviction notice, claimant may have had to make phone calls and gather information to prevent the eviction. However, by the claimant's own testimony, these necessities did not take the entire day, or even a few hours. Had the claimant attempted to return to JET during the day in question, the undersigned would view claimant's testimony in a more favorable light. However, claimant admitted that she did not need to be absent for the entire day; the fact that she was makes her absence noncompliant by definition. Therefore, the undersigned holds that, as claimant has not verified her claims of good cause, the Department was correct when they chose to not to assign good cause to claimant's absences, and find her noncompliant. As claimant is noncompliant, the Department was correct to apply a sanction in claimant's case.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department was correct when it denied claimant good cause for the incident in question, and made a determination of noncompliance.

Accordingly, the Department's decision in the above stated matter is, hereby,  
AFFIRMED.



Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 05/03/11

Date Mailed: 05/05/11

**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.

RJC/dj

cc:

  
Macomb County DHS (Dist #20)

  
Administrative

Hearings