

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

IN THE MATTER OF:



Reg. No: 201115911
Issue No: 1005
Case No: [REDACTED]
Hearing Date: April 28, 2011
Kent County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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 April 28, 2011. The claimant appeared and testified.

ISSUE

Was good cause reason for noncompliance with JET established?

FINDINGS OF FACT

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

- (1) On May 6, 2010, the claimant was scheduled for a review at DHS Intake; claimant was excused.
- (2) On May 11, 2010, the interview was rescheduled and the claimant did not appear.
- (3) On May 21, 2010, the claimant had a triage meeting to determine good cause for not appearing for the scheduled meeting on May 11, 2010; her reason for not attending was weather conditions (it was raining).
- (4) On May 21, 2010, the DHS proposed termination of FIP with a hearing request on May 25, 2010.

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 (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The facts above are undisputed:

Failure or refusal to appear and participate with the JET Program or other employment service provider results in case closure, unless there is good cause reason for the nonappearance. BEM 233A, p.2.

The penalty for noncompliance without good cause is FIP closure. BEM 233A, p. 6.

Good Cause-----a circumstance which is considered a valid reason for not complying with a requirement. PRG Glossary, p. 15.

The claimant was asked why she did not phone the DHS to let it know that she would not appear for her rescheduled appointment on May 11, 2010. Her answer was that she did not know.

The objective evidence of record does not establish that it was beyond her control to have, at least, notified the DHS by phone that she was unable to attend the rescheduled appointment.

Therefore, good cause has not been established.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that noncompliance with JET was established.

Accordingly, proposed FIP termination is UPHELD.

/s/

William Sundquist
Administrative Law Judge
For Maua D. Corrigan, Director
Department of Human Services

Date Signed: May 25, 2011

Date Mailed: May 26, 2011

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 receipt 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.

WAS/ar

cc:

