

**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.: 2011-1926
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: February 17, 2011
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing was held in Clinton Township, Michigan on Thursday, February 17, 2011. The Claimant appeared and testified. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly terminated the Claimant's cash assistance ("FIP") for the failure to participate in the Jobs, Education, and Training ("JET") program without good cause?

FINDINGS OF FACT

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

1. The Claimant is a FIP recipient.
2. The Claimant failed to turn in her job search logs for September 8th, 9th, and 10th.
3. The Claimant failed to attend a mandatory meeting on September 13th at 10:30a.m.
4. On September 16, 2010, the Claimant case was assigned for triage due to JET non-compliance. (Exhibit 1)

5. On September 21, 2010, the Department sent a Notice of Non-compliance to the Claimant informing her of the scheduled triage on September 30, 2010. (Exhibit 2)
6. During the triage, the stated reason for non-compliance was because the Claimant had to complete some paperwork for her new employer. (Exhibit 3)
7. The Claimant's employment start date was September 19, 2010.
8. The Department determined that good cause did not exist. (Exhibit 3)
9. On October 4, 2010, the Department received the Claimant's timely written request for hearing. (Exhibit 5)

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"), formally known as the Family Independence Agency, 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").

DHS requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. BEM 233A All Work Eligible Individuals ("WEI"), unless deferred, are required to engage in employment or participate in other approved activities. BEM 230A The WEI is considered non-compliant for failing or refusing to appear and participate with the Jobs, Education, and Training Program ("JET") or other employment service provider. BEM 233A Failure to comply without good cause results in FIP closure. BEM 233A Good cause is a valid reason for noncompliance with employment and/or self-sufficiency-related activities that are based on factors beyond the control of the non-compliant person. BEM 233A A claim of good cause must be verified and documented. BEM 233A Good cause exists when a client is physically or mentally unfit for the job or activity as shown by medical evidence or other reliable information. BEM 233A The first and second occurrences of non-compliance results in a 3 month FIP closure. BEM 233A

In this case, the Claimant failed to submit job search logs for September 8th, 9th, and 10th. In addition, the Claimant failed to attend a mandatory meeting on Monday, September 13th. The Claimant testified that she had intended to turn in her job search logs on the 13th and that she thought the meeting was at 11:00a.m. as opposed to

10:30a.m. The Claimant arrived at 11:30a.m. stating that she was at her new employer's completing some paperwork. During the hearing, the employer was contacted. The employer confirmed the Claimant's start date was September 19th and that the paperwork needed to be completed prior to the start date. The Claimant had the flexibility to complete the paperwork at any time. Under the facts presented, it is found that the Department established it acted in accordance with department policy when it found no good cause for the JET non-compliance. Accordingly, the Department's determination to terminate FIP benefits is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department established it acted in accordance with department policy when it determined that good cause did not exist for the JET non-compliance.

Accordingly, it is ORDERED:

1. The Department's determination to terminate FIP benefits is AFFIRMED.
2. The three-month FIP sanction is imposed.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 2/23/2011

Date Mailed: 2/23/2011

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 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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4

2011-1926/CMM

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