

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

IN THE MATTER OF:



Reg. No.: 201119485
Issue No.: 1005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: 3/28/11
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DECISION AND ORDER

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 March 28, 2011. The Claimant appeared and testified. [REDACTED] and [REDACTED] Work First 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. Claimant failed to meet her required hours beginning the week of November 7, 2010. Claimant failed to meet her required 30 hours in 7 out of 8 weeks.
3. On December 29, 2010 Claimant was assigned to triage for noncompliance for failing to participate in required activity.
4. Notice of Noncompliance was sent to Claimant on December 28, 2010 with notice of a January 12, 2011 triage meeting.

5. On January 12, 2010 a triage meeting was held and Claimant did not appear. The Department determined that Claimant was noncompliant and did not have good cause for noncompliance.
6. On January 1, 2010 Claimant's FIP case closed effective February 1, 2011 and a 90 day sanction was imposed.
7. Claimant requested hearing on January 28, 2010 contesting the closure and sanction of FIP benefits.

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 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 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 failed to meet her participation hours for the Work First program beginning the week of November 7, 2010. Claimant admitted at hearing that she did not complete the required participation hours. Claimant stated that she was staying with her sister in [REDACTED] for some time and this made it difficult to make it to the Work First site she was assigned to. Claimant did not request to her DHS case worker or the Work First worker that her case needed to be transferred. Claimant also testified that her children were having difficulty in school and began therapy. Claimant did not bring these issues to her worker's attention until after her case was closed. These explanations do not constitute good cause for failing to comply with the JET program. BEM 233(a). The Department's determination that Claimant was noncompliant with the JET program is proper and correct. Therefore closure of Claimant's FIP benefits and imposition of sanction is proper and correct.

It should also be noted that Claimant failed to attend the triage and did not retrieve her triage appointment notice until after the triage was held. Claimant had not changed her address with the Department so that she could receive mail in a timely manner. Assistance recipients need to take steps to ensure that they receive mail in a timely manner if they want to continue to receive assistance. Claimant failed to do so.

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 Claimant's FIP benefits, and it is ORDERED that the Department's decision is hereby AFFIRMED.



Aaron McClintic
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: April 27, 2011

Date Mailed: April 27, 2011

201119485/AM

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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