

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.: 20112646
Issue No.: 1005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 17, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 November 17, 2010. The Claimant appeared and testified. [REDACTED], FIM and [REDACTED], JET case worker and [REDACTED], Michigan Works 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 was participating in an educational program, which the Department had approved to count toward Jet participation.
3. On September 2, 2010 a triage meeting was held where Claimant agreed that she was noncompliant and she was reassigned to Work First.
4. On September 3, 2010 Claimant reported back to Work First and was assigned community service activity and told that her previously approved class hours would not count.

5. Claimant failed to perform community service activity and her case was referred for closure on September 17, 2010.
6. Claimant's class schedule conflicted with the community service hours assigned to her.
7. No triage meeting was held regarding this new allegation of noncompliance.
8. Claimant requested a hearing on October 6, 2010 contesting the closure of FIP benefits.
9. Claimant's FIP case closed effective November 1, 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 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 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

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verified and documented for applicants, members, and recipients. BEM Manual Item 230(a), BEM Manual Item 230(b); 7 CFR Parts 272 and 273.

Core Activities--Core activities are usually recorded by JET for the WEI referred to JET. They include the following activities: •Unsubsidized employment. •Subsidized private and public sector employment •Work experience. •On-the-job training. •Job search/job readiness. •Community service programs. •Vocational educational training including condensed vocational training. •Providing child care for a community service participant. BEM 228.

Department policy outlines the objectives of JET--Our focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. BEM 233a.

In the present case, Claimant was a recipient of FIP benefits and was referred to Work First/JET. Claimant failed to turn in hours for her schooling and the case was referred to triage because of noncompliance. At the triage meeting on September 2, 2010 Claimant agreed that she was noncompliant and she was referred back to Work First. Upon returning to Work First, Claimant was assigned to community service and was told that her previously approved class time could no longer be used. Claimant testified at hearing that she could not complete the community service activity because it conflicted with her schooling schedule. It should be noted that Claimant was not told at the triage meeting that her class hours would count towards her JET requirements. Claimant registered and paid for her classes relying on the Department's previous determination that the classes could be used to meet her hours. After Claimant failed to appear for community service the case was closed.

The goal of the JET program is to allow participants to be work ready. (BEM 233a). Claimant was pursuing this goal by taking classes that were previously approved by the Department. Punishing Claimant for pursuing these objectives would be counterproductive, unjust and conflicts with the purpose of the program.

It should be noted that the Department failed to follow correct procedures in processing the alleged second instance of noncompliance because a triage was not held.

This Administrative Law Judge finds that Claimant has good cause for failing to participate with JET because her class schedule conflicted with her assigned community service hours. Accordingly, the Department's closure of FIP benefits was improper and incorrect.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the closure of FIP benefits, and it is

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ORDERED that the Department's decision in this regard be and is hereby REVERSED. Claimant's FIP benefits shall be reinstated back to the date of closure and the negative action shall be deleted.



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: December 10, 2010

Date Mailed: December 10, 2010

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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