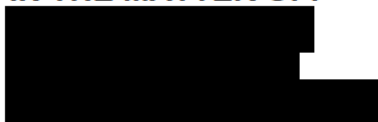


STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**



Reg. No.: 2011 34571  
Issue No.: 1038  
Case No.: [REDACTED]  
Hearing Date: June 16, 2011  
Macomb County DHS (12)

**ADMINISTRATIVE LAW JUDGE:** Lynn M. Ferris

**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 June 16, 2011. The claimant appeared and testified. Charles Forster, FIS Case Manager and Tanisha Taul, FIS Case Manager appeared and testified on behalf of the Department.

**ISSUE**

Did the Department of Human Services (DHS) correctly impose a negative case action and three month sanction closing the Claimant's FIP case and reducing the Claimant's FAP benefits for noncompliance 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. The Claimant was an ongoing recipient of FIP cash assistance benefits.
2. The Claimant was assigned to attend Work First and was triaged for non compliance.
3. A triage was held on November 18, 2011, and the Claimant was found to be in non compliance without good cause. Exhibit 1.
4. The Claimant participated in the triage by phone.
5. The Department's finding of non compliance was based on several instances of non compliance. It found that the Claimant's job search logs were short the

required hours on September 27, 2010 and September 28, 2010, and the Job search logs, were not turned in by 9:00 am on September 30, 2010. The Claimant also did not attend class on September 17, 2010 and September 29, 2010. The Claimant exceeded the 16 hours of allowed absence for the month of September 2010. Exhibit 1 and Exhibit 2.

6. The Claimant testified at the hearing that she had difficulty meeting the job search requirements hours because she had to pick her daughter up from school and this responsibility limited the number of hours she could job search. The Claimant also testified that she could not turn in her last job search log because she was late on the day she was to turn them in. The logs had to be turned in by 9:00 am.
7. The Claimant relied on bus transportation and said she could not control when the bus would get her to Work First.
8. The Department closed the Claimant's cash assistance case for 3 months, on December 1, 2010, for non compliance with work related activities.
9. The Claimant requested a hearing on January 11, 2011, and again on May 9, 2011, protesting the closure of her cash assistance as a result of the triage held on November 18, 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 (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R400.3101-3131. 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 "noncompliance". BEM 233A defines noncompliance 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 p. 1.

However, a failure to participate can be overcome if the client has good cause. Good cause is a valid reason for failing to participate with employment and/or self-sufficiency-related activities that are based on factors that are beyond the control of the claimant. BEM 233A. The penalty for noncompliance is FIP closure. However, for the first occurrence of noncompliance on the FIP case, the client can be excused. BEM 233A.

Furthermore, JET participants cannot be terminated from a JET program without first scheduling a "triage" meeting with the client to jointly discuss noncompliance and good cause. If a client calls to reschedule, a phone triage should be attempted to be held immediately, if at all possible. If it is not possible, the triage should be rescheduled as quickly as possible, within the negative action period. At these triage meetings, good cause is determined based on the best information available during the triage and prior to the negative action date. 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.

Before the Administrative Law Judge can review a proper good cause determination, there must first be a determination of whether the claimant was actually non-participatory with the hour requirements for the JET program.

Based on the record presented, the Claimant was found in non compliance for several job search logs having insufficient hours and absence on September 17, 2010 and September 29, 2010. The Claimant did not address her absences but did argue that the reason she was short on her job search hours was because she had to take her daughter to school and pick her up from school and did not have time to complete the job search. The claimant was not allowed to turn in her job search log on September 30, 2010 because she missed the 9:00 am deadline, which was her second chance to turn in the logs.

Based upon the evidence presented at the hearing, it is clear that the Claimant was in non compliance with her attendance and failing to complete the required hours of job search and finally not turning in a log on time.

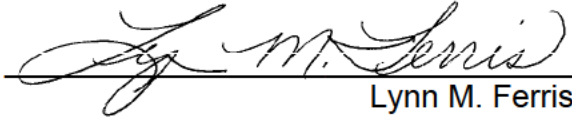
Based on evidence provided by the Department at the hearing, it correctly determined that the Claimant was in non compliance and found no good cause. The Claimant, at the hearing, did not provide any good cause excuse for her absences outlined above. Additionally, the Claimant's argument that she could not arrive by 9:00am to turn in her job search records on September 30, 2010, is unpersuasive. There were no proofs submitted which would excuse the Claimant's non attendance at Work First or support the Claimant's failure to turn in job search records in a timely manner or complete the job search hours requirement.

After a careful examination of the documentary evidence provided by the Department, and the Claimant, and the testimony of the witnesses, the Administrative Law Judge has determined that the Department's finding of no good cause and the imposition of a three

month sanction closing the Claimant's FIP Cash Assistance case was correct and is AFFIRMED.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's determination of no good cause for the Claimant's non compliance, and its action imposing a three month closure of the Claimant' FIP case as a result of the triage conducted on November 18, 2010, is correct and in accordance with Department policy and is AFFIRMED.

  
Lynn M. Ferris  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: 06/22/11

Date Mailed: 06/24/11

**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.

LMF/dj

cc:

