

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

IN THE MATTER OF:



Reg. No.: 2011-34583
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: June 16, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Susan Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on June 16, 2011. Claimant appeared and testified. [REDACTED] JET Coordinator, appeared on behalf of the Department of Human Services (Department or DHS).

ISSUE

Was the Department correct in denying Claimant's Family Independence Program (FIP) application due to noncompliance with employment and/or 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. Claimant applied for FIP on February 8, 2011.
2. Claimant was hand-delivered a JET Appointment Notice on February 8, 2011 for a date of February 14, 2011.
3. Claimant informed the JET worker that she could not attend the February 14, 2011 appointment due to a doctor's appointment.
4. The Department worker then issued an additional appointment of February 21, 2011.
5. Claimant attempted to attend the appointment of February 21, 2011, but the office was closed due to a state holiday.

6. Claimant attempted to contact her worker by phone to obtain another appointment date, but the worker did not return her phone calls.
7. The Department denied Claimant's FIP application of February 8, 2011 due to noncompliance with employment-related activities.
8. Claimant requested a hearing, protesting the negative action.

CONCLUSIONS OF LAW

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 administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Program Reference Manual.

The Department requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. BEM 230A; BEM 233A. All Work Eligible Individuals (WEIs) are required to participate in the development of a Family Self-Sufficiency Plan (FSSP) unless good cause exists. BEM 228. As a condition of eligibility, all WEIs must engage in employment and/or self-sufficiency-related activities. BEM 233A. The WEI is considered non-compliant for failing or refusing to appear and participate with the JET Program or other employment service provider. BEM 233A. Good cause is a valid reason for noncompliance with employment and/or self-sufficiency-related activities that are based on factors that are beyond the control of the noncompliant person. BEM 233A. Failure to comply without good cause results in FIP closure. BEM 233A. The first and second occurrences of non-compliance result in a three-month FIP closure. BEM 233A. The third occurrence results in a twelve-month sanction. The goal of The FIP penalty policy is to bring the client into compliance. BEM 233A.

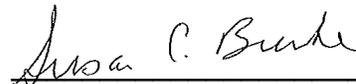
JET participants will not be terminated from a JET program without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A. In processing a FIP closure, the Department is required to send the client a Notice of Noncompliance (DHS-2444) which must include the date(s) of the noncompliance; the reason the client was determined to be noncompliant; and the penalty duration. BEM 233A. In addition, a triage must be held within the negative action period. BEM 233A.

In the present case, on the date of Claimant's application, February 8, 2011, the Department worker hand-delivered a computer-generated JET appointment notice for an appointment date of February 14, 2011. Claimant told the worker she could not

attend the February 14, 2011 date due to a doctor's appointment. The worker then issued another computer-generated notice to Claimant with an appointment date of February 21, 2011. Claimant attempted to attend that appointment, but the JET office was closed due to a state holiday. Claimant attempted to contact her worker by phone to get another JET appointment date, but the worker did not return Claimant's phone call. Based on the above discussion, I find that Claimant had good cause, that is, a valid reason for noncompliance with employment and/or self-sufficiency-related activities that is based on factors that are beyond the control of the noncompliant person. Therefore, the Department was incorrect in denying Claimant's FIP application due to noncompliance with employment and/or work-related activities.

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 its decision to deny Claimant's FIP application of February 8, 2011, and it is therefore ORDERED that the Department's decision is REVERSED. It is further ORDERED that the Department shall reinstate and reprocess Claimant's FIP application of February 8, 2011, and, if Claimant meets all other eligibility factors, issue Claimant any missed or increased benefits in the form of a supplement.



Susan Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 6/20/11

Date Mailed: 6/20/11

2011-34583/SB

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.

SB/sm

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