

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2011-35164  
Issue No.: 1038  
Case No.: [REDACTED]  
Hearing Date: June 22, 2011  
DHS County: Wayne (82-31)

**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 telephone hearing was conducted from Detroit, Michigan, on Wednesday, June 22, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

**ISSUE**

Whether the Department properly terminated the Claimant's cash assistance ("FIP") benefits due to non-compliance with the Jobs, Education, and Training ("JET") program?

**FINDINGS OF FACT**

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

1. The Claimant was a FIP recipient.
2. On March 7, 2011, the Department sent a JET Appointment Notice instructing the Claimant to attend the JET program on March 16, 2011. (Exhibits 1, 2)
3. The Claimant did not attend the JET program. (Exhibit 3)
4. On March 21, 2011, the Department sent the Claimant a Notice of Non-compliance instructing the Claimant to attend a triage appointment on March 29, 2011 at 8:00a.m. (Exhibits 4, 5)

5. The Claimant did not attend the triage appointment. (Exhibit 6)
6. On March 29, 2011, the Department sent a Notice of Case Action informing the Claimant that her cash assistance would terminate effective May 1, 2011. (Exhibits 4, 7)
7. The 3-month JET non-compliance sanction was imposed.
8. On March 29<sup>th</sup>, the Department sent a Medical Needs form, Medical Examination Report, Verification of Student Information, and an Authorization to Release Protected Information to the Claimant for completion.
9. The Claimant's FIP benefits terminated effective May 1, 2011. (Exhibit 7)
10. On May 23, 2011, the Department received the Claimant's timely written request for hearing. (Exhibit 9)

### **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, formerly known as the Family Independence Agency, administers FIP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3101-3131. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("RFT").

The Department requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. BEM 233A. All Work Eligible Individuals ("WEI") 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 non-compliance 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 3-month FIP closure. BEM 233A. The third occurrence results in a 12-month sanction.

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 non-compliance, DHS-2444, which must include the date(s) of the non-compliance; the reason the client was determined to be non-compliant; and the penalty duration. BEM 233A.

In this case, the Claimant was required to participate in the JET program. The Department sent the JET Appointment Notice to the Claimant instructing her to attend on March 16, 2011. The Claimant received the Appointment Notice but testified that she could not attend due her medical condition. The Claimant's case worker, who participated in the hearing and who was her worker during this entire time, testified credibly that he had no communication from the Claimant regarding her alleged inability to attend the JET program nor was there any supporting medical documentation. Due to the failure to attend the JET program, the Claimant was notified of a triage scheduled for March 29, 2011 at 8:00a.m. The Claimant did not appear and good cause was not found. As a result, the Department scheduled the Claimant's case for closure effective May 1, 2011.

Later in the day, the case worker spoke to the Claimant. The Claimant stated she was unable to attend due to her medical condition. In response, the Department forwarded the Medical Examination Report, Medical Needs form, Authorization to Release protected information, and Verification of Student Information. The Department did not receive the completed forms. During the hearing, the Claimant testified that she had submitted a physician statement which provided that she was unable to work. Although the Claimant stated she had a copy of the note, she was unable to locate it. Ultimately, in consideration of the marked exhibits and testimony, it is found that the Department established it acted in accordance with Department policy when it terminated the Claimant's FIP cash assistance.

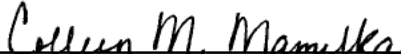
### **DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the Department established it acted in accordance with Department policy when it terminated the Claimant's FIP benefits due to JET non-compliance.

Accordingly, it is ORDERED:

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1. The Department's determination is AFFIRMED.
2. The 3-month FIP sanction is imposed from the date of closure based on the JET non-compliance in accordance with Department policy.

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

Date Signed: June 28, 2011

Date Mailed: June 30, 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.

CMM/pf

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