

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201144864
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: August 25, 2011
Macomb County DHS (20)

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 August 25, 2011. The Claimant appeared and testified. [REDACTED], Jet Case Manager appeared on behalf of the Department. [REDACTED], Jet Liaison, Michigan Works, also appeared as a witness for the Department.

ISSUE

Whether the Department properly closed the Claimant's FIP cash assistance case and imposed a sanction for non compliance by the Claimant's spouse with work related activities without good cause.

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's spouse was assigned to attend the Work First program and conduct job searches.
2. A triage was held on June 30, 2011, which was attended by the Claimant and her spouse.

3. At the triage, the Claimant's job search log was discussed as six of the job searches listed were checked by the Work First program, and it was determined that they were falsified by the Claimant's spouse. Exhibit 1.
4. At the triage the Claimant's spouse denied falsifying the job search log and advised that he was on probation and would not want to jeopardize his probation status. Exhibit 1.
5. The Department determined at the triage that the Claimant's spouse did not establish good cause and closed the Claimant's FIP case and imposed a three month sanction.
6. The Claimant's spouse did not attend the hearing as he was caring for their children.
7. The Department issued a notice of case action on 7/26/11, closing the Claimant's FIP cash assistance effective 8/1/11. Exhibit 5.
8. The Claimant requested a hearing on July 1, 2011, protesting the closure of the Claimant's cash assistance.

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"), formerly known as the Family Independence Agency, administers the FIP program 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 ("BRM").

DHS 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 Jobs, Education, and Training Program ("JET") 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 results 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 addition, a triage must be held within the negative action period. BEM 233A A good cause determination is made during the triage and prior to the negative action effective date. BEM 233A.

In this case, the Department determined, based upon a review of job search logs that the Claimant's spouse had falsified job search records. The Claimant's spouse had been warned just prior to the submission of the job search logs considered at the triage, that his job search log from a prior period did not check out. In reviewing the job search log as submitted by the Claimant's spouse, 6 job searches were listed for Thursday and 5 of them did not check out. Exhibit 4. The log indicated that applications were filed in person for all of the employers listed. The job log indicates for Gratiot Graphics and Bee Printing, the Claimant filed job applications with specific employees of the employer listed as contacts by name. In both of these instances the contact person was not an employee of the employer, and no application by the Claimant's spouse was on file. In three other job searches where the claimant's spouse marked that he made in person applications with the employers, the phones for two of these employers Allied Sign and Best Image were disconnected, and the phone for Painting Accent was a personal number.

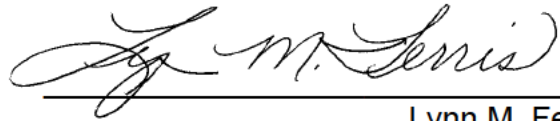
The Claimant did not present any evidence that the job searches were actually made, or that applications were filed, or provide alternate phone numbers for the disconnected phones at the businesses listed. The Claimant did not sufficiently rebut the evidence presented by the Department that the job search logs were falsified. Based on the testimony of the witnesses and the documentary evidence provided, the Department correctly found no good cause for non compliance with the job log requirements. The Department's closure of the Claimant's FIP case and imposition of a 3 month sanction is correct, and in accordance with Department policy, as no good cause was demonstrated at the triage or at the instant hearing.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department correctly determined that the Claimant's spouse did not demonstrate good cause for non compliance with the Work First job log requirements, and correctly closed the Claimant's FIP cash assistance case and imposed a three month sanction for non compliance with Work First requirements without good cause.

2011-44864/LMF

Accordingly the Departments determination is AFFIRMED.



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

Date Signed: August 26, 2011

Date Mailed: August 26, 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 receipt 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/ hw

cc:

