

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

IN THE MATTER OF:



Reg. No: 201154417  
Issue No: 1038  
Case No: [REDACTED]  
Hearing Date: October 27, 2011  
Hillsdale County DHS

**ADMINISTRATIVE LAW JUDGE:** Corey A. Arendt

**HEARING DECISION**

This matter is before me pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on October 27, 2011. The Claimant and Agency appeared by telephone and provided testimony.

**ISSUE**

Did the Department properly terminate and sanction the Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) benefits for noncompliance with Work First/Jobs, Education and Training (WF/JET) requirements?

**FINDINGS OF FACT**

I find, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On July 27, 2011, the Claimant signed a First Noncompliance Letter. At the time of signing, the Claimant agreed to complete a 6 hour job search assignment on July 28, 2011. (Department Exhibit 13).
2. On July 28, 2011, the Claimant failed to show up and complete the required 6 hour job search assignment.
3. On July 29, 2011, the Department sent the Claimant a Notice of Case Action. (Department Exhibit 14 – 17).
4. On August 9, 2011, the Claimant filed with the Department a hearing request, protesting the July 29, 2011 Notice of Case Action. (Department Exhibit 2-4).

## CONCLUSIONS OF LAW

The 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 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 Program Reference Manual (PRM).

DHS requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. Our focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate, without good cause.

Noncompliance is defined by department policy as failing or refusing to do a number of activities, such as attending and participating with WF/JET, completing the FAST survey, completing job applications, participating in employment or self-sufficiency-related activities, providing legitimate documentation of work participation, etc. 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. A claim of good cause must be verified and documented for member adds and recipients. Document the good cause determination in Bridges and the FSSP under the "Participation and Compliance" tab.

Good cause includes the following:

- . The person is working at least 40 hours per week on average and earning at least state minimum wage.
- . The client is physically or mentally unfit for the job or activity, as shown by medical evidence or other reliable information. This includes any disability-related limitations that preclude participation in a work and/or self-sufficiency-related activity. The disability-related needs or limitations may not have been identified or assessed prior to the noncompliance.
- . The client has a debilitating illness or injury, or an immediate family member's illness or injury requires in-home care by the client.

In this case, it is clear; the Claimant did not fully understand the requirements and obligations of signing the First Noncompliance Letter. In fact, the Claimant indicated she misunderstood her obligations and what was expected of her. I do not find the Claimant's own misunderstanding and failure to read (fully) the First Noncompliance Letter amounts to good cause.

Accordingly, I find the Department's actions should be **AFFIRMED**.

**DECISION AND ORDER**

I find, based upon the above findings of fact and conclusions of law, decide that:

1. The Department properly terminated and sanctioned the Claimant's FIP and FAP benefits for noncompliance with WF/JET requirements.

Accordingly, the Department's actions are **AFFIRMED**.



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Corey A. Arendt  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: October 27, 2011

Date Mailed: October 28, 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.

CAA/cr

cc:

