

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

IN THE MATTER OF:

[REDACTED]

Reg No: 20116708

Issue No: 1005

Case No: [REDACTED]

Hearing Date:

May 16, 2011

Washtenaw County-20

ADMINISTRATIVE LAW JUDGE: [REDACTED]

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice, an in person hearing was held on May 16, 2011. The Claimant and Claimant's Authorized [REDACTED] through [REDACTED] appeared and Claimant testified. Alice Seipelt JET Coordinator and [REDACTED] Michigan Works appeared on behalf of the Department.

ISSUE

Did the Department properly close Claimant's Family Independence Program ("FIP") benefits case for non-compliance with the Work First/Jobs Education and Training ("JET") program?

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 was a recipient of FIP benefits who was assigned to JET.
2. Claimant has children in her care under the age of 6 and was pregnant during the period in question.
3. Claimant had 20 hour requirement for the JET program during the period in question.

4. On April 26, 2010 Claimant was referred to triage for alleged noncompliance with JET.
5. Notice of noncompliance was given to Claimant on April 30, 2010 with a May 4, 2010 triage appointment.
6. On May 4, 2010 a triage meeting was held.
7. Claimant submitted pay stubs at the triage meeting on May 4, 2010 showing she worked 8 hours the week of April 5th, 24 hours the week of April 12, and 31.25 hours the week of April 19th.
8. Claimant testified at hearing that she had medical appointments related to her pregnancy during the first week in April 2010.
9. On May 5, 2010 Claimant was found to not have good cause because “she has not been working 40 weeks and would still be a JET customer”.
10. Claimant’s case closed on October 25, 2010 effective November 6, 2010.
11. Claimant requested a hearing on October 29, 2010 contesting the closure of FIP benefits.
12. Claimant’s benefits were reinstated pending this hearing.

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) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependant 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).

The Family Independence Program (FIP) provides temporary cash assistance to support a family’s movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency-related activities so they can become self-

supporting. Federal and State laws require each work eligible individual (WEI) in the FIP group to participate in the Jobs, Education and Training (JET) Program or other employment-related activities unless temporarily 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 obtain stable employment. BEM 230A.

JET is a program administered by the Michigan Department of Labor and Economic Growth (DLEG) through the Michigan Works Agencies (MWAs). The JET program serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. BEM 230 A. A mandatory participant in the JET program who fails without good cause to participate in employment activity must be penalized. BEM 233(a). The penalty for the first occurrence of noncompliance in the JET program is a closure for a minimum of three calendar months under the FIP program. BEM 233(a). Good cause is a valid reason for noncompliance with employment related activities. A claim of good cause must be verified and documented for applicants, members, and recipients. BEM Manual Item 230(a), BEM Manual Item 230(b); 7 CFR Parts 272 and 273.

In the present case, Claimant was pregnant and had children under the age of six in her care during the period in question. Claimant was required to participate 20 hours with JET. The Department acknowledged at hearing that Claimant's JET requirement was 20 hours. Claimant submitted pay stubs for the most recent 3 weeks, April 5th through 26th, at the triage meeting. Claimant worked an average of 21 hours for those 3 weeks, meeting her 20 hour requirement. This Administrative Law Judge finds that Claimant was in compliance with her JET requirements at the time of triage meeting. Accordingly, the Department's closure of FIP was improper and incorrect. Claimant had additional excusable hours in the first week in April 2010 because of medical appointments related to her pregnancy.

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 the closure of FIP benefits, and it is ORDERED that the Department's decision in this regard be and is hereby REVERSED. Claimant's FIP benefits shall be reinstated as of the date of closure, the negative action shall be deleted and all FIP benefits owed to the Claimant shall be paid in the form of a supplement.

/s/

Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 23, 2011

Date Mailed: May 23, 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 60 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.

cc:

[REDACTED]

Washtenaw County DHS (20)/1843

[REDACTED]

Administrative Hearings