STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

Reg. No.:	20119277
Issue No.:	1005
Case No.:	
Load No.:	
Hearing Date:	January 20, 2011
	Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

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, a telephone hearing was held on January 20, 2011. The Claimant appeared and testified. ████, FIS 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 was noncompliant with the Work First program in September 2010 by exceeding her absence hours and her case was referred to triage.

3. Notice of Noncompliance was sent to Claimant with notice of a November 4, 2010 triage meeting.

4. On November 4, 2010 a triage meeting was held, and the Department determined that Claimant was noncompliant and did not have good cause for noncompliance.

5. On November 17, 2010 Claimant's FIP case closed, and a 90 day sanction was imposed.

6. Claimant requested hearing on November 19, 2010 contesting the closure and sanction of FIP benefits.

<u>CONCLUSIONS OF LAW</u>

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) 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.

Good cause includes the following: **No Transportation** The client requested transportation services from DHS, the MWA, or other employment services provider prior to case closure and reasonably priced transportation is not available to the client. BEM 233(a)

In the present case, Claimant admitted that she exceeded her absence hours. Claimant argued that she was substantially compliant and completed her community service hours. Claimant testified that she missed her job search hours because of transportation problems she was having. Her car was in need of repairs. Claimant did not request transportation assistance from the Department prior to exceeding her absence hours. Department policy is very specific that finding a good cause for "no transportation" requires a request for transportation services prior to case closure. BEM 233(a). This Administrative Law Judge, even giving the Claimant's testimony complete credibility, cannot find that she has good cause for being noncompliant. Therefore the Department's determination that Claimant did not have good cause is proper and correct.

This Administrative Law Judge finds that Claimant refused to cooperate or failed to make a reasonable effort to participate with JET without good cause. Accordingly, the Department's closure of FIP benefits was proper and correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was correct in the closure of FIP

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benefits, and it is ORDERED that the Department's decision in this regard be, and is,

hereby AFFIRMED.

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Aaron McClintic
Administrative Law Judge
For Maura Corrigan Director
Department of Human Services

Date Signed: <u>February 7, 2011</u>

Date Mailed: <u>February 7, 2011</u>

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.

AM/hw

cc: