

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

IN THE MATTER OF:

[REDACTED]

Reg No: 2011-20701

[REDACTED]

Kent County DHS-41

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DECISION AND ORDER

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, an in person hearing was held on August 11, 2011. The Claimant appeared and testified. The Department was represented by [REDACTED] from Work First testified by telephone.

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 found to not have participated in required activity on December 31, 2010 and a notice of noncompliance was sent on January 31, 2011 with a February 9, 2011 triage meeting notice.
3. At the triage meeting on February 9, 2011 Claimant was found not to have good cause.
4. Claimant agreed to a First Non-Compliance Letter following the triage meeting, agreeing that she was noncompliant and was referred back to the JET Program with a February 10, 2011 1pm re-engagement appointment. Claimant signed the noncompliance letter and a separate letter that outlined all that was required of her.

5. On February 10, 2011 Claimant failed to appear at the 1pm re-engagement appointment at GRCC.
6. Claimant requested a hearing on February 18, 2011 contesting the closure of FIP benefits.

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.

GOOD CAUSE FOR NONCOMPLIANCE

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.

If it is determined during triage the client has good cause, and good cause issues have been resolved, send the client back to JET. Do not do a new JET referral. Good cause includes the following:

Unplanned Event or Factor

Credible information indicates an unplanned event or factor which likely prevents or significantly interferes with employment and/or self-sufficiency- related activities. Unplanned events or factors include, but are not limited to the following:

- Domestic violence.
- Health or safety risk.
- Religion.
- Homelessness.
- Jail.
- Hospitalization. BEM 233A

In the present case, at the triage meeting on February 9, 2011 Claimant signed the first noncompliance letter and agreed to return to Work First the following day at 1pm for a re-engagement appointment. Claimant acknowledged that she did not appear for that appointment. Claimant presented a document showing that she paid her water bill at 1:26PM on February 10, 2011. Claimant testified that she heard that the water company was going to be executing shut offs in her neighborhood on February 10 and that she had to pay her bill at 1PM to avoid shut off. Claimant was questioned why she could not have made the payment earlier in the morning or after her 1pm appointment. Claimant's explanation was inadequate. Claimant's testimony regarding the circumstances of February 10, 2011 was less than credible. This Administrative Law Judge finds that Claimant did not have good cause for failing to appear for her February 10, 2011 re-engagement appointment. Accordingly, the Department's closure of FIP was proper and correct.

Claimant raised issues at hearing regarding that fact that she experienced domestic violence and should have been deferred from JET or given good cause for noncompliance on that basis. Claimant testified that she was unaware of the potential for having good cause related to domestic violence prior to the triage meeting. The notice of noncompliance given to Claimant which contained notice of the triage meeting specifically says that domestic violence may be a basis for good cause. The Department worker who attended the triage meeting credibly testified that Claimant did not raise issues of domestic violence at the triage meeting. Regardless, Claimant signed the form agreeing that she was noncompliant. Claimant alleged that she felt coerced into signing the first noncompliance letter. The noncompliance letter instructs Claimants in bold letters DO NOT SIGN THIS FORM IF YOU DISAGREE WITH THE FINAL DECISION; the box next to that statement is checked. Claimant's testimony regarding what occurred at the triage meeting is less than credible.

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



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

Date Signed: 8/16/11

Date Mailed: 8/16/11

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.

AM/ds

