

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-21467
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: April 13, 2011
DHS County: Wayne (82-76)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on April 13, 2011. Claimant appeared and testified.

ISSUE

Did the Department of Human Services (Department) properly sanction Claimant's Family Independence Program (FIP) for failure to complete work-related activities?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On December 27, 2010, Claimant applied for FIP and CDC.
2. On February 10, 2011, a Department worker called Claimant and instructed her to come in and pick up an appointment.
3. Claimant has stated she called on February 11, 2011.
4. On February 14, 2011, Claimant's child was ill and Claimant was unable to come in to get the paperwork.
5. On February 15, 2011, the Department denied Claimant's FIP case for failure to attend Work First.
6. On February 22, 2011, Claimant requested a hearing.

7. At the hearing, Claimant submitted a Doctor slip dated February 17, 2011, stating Claimant's child was ill.

CONCLUSIONS OF LAW

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 administers FIP pursuant to MCL 400.10 *et seq.* and MAC R 400.3101-3131. FIP 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).

Relevant policy section BEM 233A, p. 1, states:

NONCOMPLIANCE WITH EMPLOYMENT AND/OR SELF-SUFFICIENCY-RELATED ACTIVITIES

As a condition of eligibility, all WEIs and non-WEIs must work or engage in employment and/or self-sufficiency-related activities. **Noncompliance** of applicants, recipients, or member adds means doing **any** of the following **without** good cause:

Failing or refusing to:

- Appear and participate with the Jobs, Education and Training (JET) Program or other employment service provider.
- Complete a Family Automated Screening Tool (FAST), as assigned as the first step in the FSSP process.
- Develop a Family Self-Sufficiency Plan (FSSP) or a Personal Responsibility Plan and Family Contract (PRPFC).
- Comply with activities assigned to on the Family Self Sufficiency Plan (FSSP) or PRPFC.
- Appear for a scheduled appointment or meeting.
- Participate in employment and/or self-sufficiency-related activities.
- Accept a job referral.
- Complete a job application.
- Appear for a job interview (see the exception below).
- Stating orally or in writing a definite intent not to comply with program requirements.

- Threatening, physically abusing or otherwise behaving disruptively toward anyone conducting or participating in an employment and/ or self-sufficiency-related activity.
- Refusing employment support services if the refusal prevents participation in an employment and/or self-sufficiency-related activity.

In the present case, Claimant's FIP application was denied for failure to attend a Work-First/JET appointment. Claimant was scheduled to attend the program beginning February 14, 2011. Claimant indicated she was not able to attend on this date due to her child being ill. Claimant testified she was needed to care for her child. The Department asserts that Claimant should have still attended since the child's father is also in the home. Claimant testified that the father is not living in the home. The child's father was also at the hearing and testified he has not been in the home since December 2010. However, when questioned where he is living, he stated it was "personal" later admitting it was at a girlfriend's home but refused to provide an address. This Administrative Law Judge found his testimony less than credible. Claimant's residence is, in fact, owned by the child's father. No other evidence was submitted to demonstrate the child's father was not, in fact, in the home.

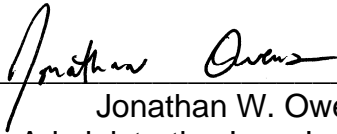
This Administrative Law Judge finds, after considering the evidence and Department policy, Claimant did in fact fail to attend a scheduled appointment. Further, this Administrative Law Judge finds, based upon the evidence submitted, that the child's father is in fact in the home. Therefore, if the child was in fact ill, the father was capable of caring for the child while the mother attended her required appointment.

Therefore the Department properly denied Claimant's FIP case for failure to attend a Work-First/JET appointment as required.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department was acting in compliance with Department policy.

Accordingly, the Department's decision is UPHELD.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 3, 2011

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Date Mailed: May 3, 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.

JWO/pf

cc:

