

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

IN THE MATTER OF:

[REDACTED]

[REDACTED]

Berrien County DHS-22

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 September 22, 2011. The Claimant appeared and testified. The Department was represented by [REDACTED].

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 February 3, 2011 and a notice of noncompliance was sent on February 15, 2011 with a February 23, 2011 triage meeting notice.
3. At the triage meeting on February 23, 2011 Claimant was found not to have good cause.
4. Claimant requested a hearing on March 4, 2011 contesting the closure of FIP benefits. Benefits were reinstated pending hearing.

5. Claimant's grandson and group member [REDACTED] graduated high school on June 3, 2011 and was sent a JET appointment notice on June 3, 2011 with a June 13, 2011 appointment date.
6. Claimant's grandson failed to appear for his JET appointment notice.
7. Claimant contacted the Department alleging that Claimant was working and volunteering and that this should meet his Work First requirements. Claimant also alleged that her grandson missed his JET appointment because he was celebrating his graduation.
8. A verification of employment form was sent to Claimant on June 14, 2011 with a June 24, 2011 due date.
9. Claimant failed to provide the verification of employment.
10. Notice of noncompliance was sent to Claimant on June 27, 2011 with a July 6, 2011 triage appointment date.
11. Claimant failed to appear at the triage and FIP benefits were closed FAP benefits were reduced on July 11, 2011.
12. Claimant testified that she did not receive the triage appointment notice.
13. Claimant requested hearing on July 19, 2011 regarding this closure and FAP reduction.

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, Claimant alleged that she had health problems that precluded her from participating with Work First in January and February 2011. The Department presented evidence that a medical needs form was given to Claimant that was never received by the Department. Claimant's testimony regarding her health problems preventing her from participating with Work First is less than credible. The medical records provided by Claimant at hearing were not for the period of time in question and did not support her position. This Administrative Law Judge finds that Claimant did not have good cause for noncompliance in February 2011.

With regard to the noncompliance related to Claimant's grandson, Claimant testified that her grandson was working and volunteering and that these hours may have met the Work First requirements. Claimant testified that she never received the verification of employment forms sent to her. Claimant's testimony in this regard is also less than

credible. This Administrative Law Judge finds that Claimant failed to meet the requirements of the JET program without good cause. BEM 233A Accordingly, the Department's closure of FIP 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 benefits, reduction of FAP benefits and imposition of sanctions, 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: 9/23/11

Date Mailed: 9/23/11

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

