

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-2526  
Issue No.: 1038  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: November 18, 2010  
Wayne County DHS (49)

**ADMINISTRATIVE LAW JUDGE:** Lynn M. Ferris

**HEARING DECISION**

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, a telephone hearing was held on November 18, 2010. The claimant appeared and testified. [REDACTED], ES appeared on behalf of the Department.

**ISSUE**

Did the Department of Human Services (DHS) correctly impose a negative case action and three month sanction upon the claimant for noncompliance with employment or 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. The Claimant was a FIP Cash Assistance recipient and also received Food Assistance.
2. The claimant was sent a notice of noncompliance dated July 30, 2010 because she had missed several appointments to attend WorkFirst orientation. Exhibit 1
3. The Claimant had a semi annual review and the Department discovered that she had not been assigned to WorkFirst.
4. The Claimant was again assigned to attend the WorkFirst orientation on September 20, 2010 but did not attend. Prior to the appointment the Claimant advised her worker that she had car trouble. Exhibit 2

5. The Claimant's case worker sent out another (second) Notice and appointment for September 27, 2010, which was received by the Claimant. Exhibit 3
6. The Claimant did not attend the second appointment because she had received incorrect directions from the WorkFirst site and was too late to attend. The Claimant never attended the orientation.
7. The Department closed the Claimant's FIP case and removed the Claimant from her FAP group due to failure to participate and attend the WorkFirst orientation by notice of case action dated October 4, 2010. Exhibit. 4
8. The claimant's FIP case was closed for three months (November 1, 2010 through January 31, 2011) and her FAP benefits were reduced and the Claimant was removed from her FAP group for the same period.
9. On October 7, 2010, the claimant requested a hearing regarding the closure of her FIP and FAP benefits. The request for hearing was received by the department October 7, 2010.

### **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 (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R400.3101-3131. The FIP program 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 Bridges Reference Manual (BRM).

All Family Independence Program (FIP) and Refugee Assistance Program (RAP) eligible adults and 16- and 17-year-olds not in high school full time must be referred to the Jobs, Education and Training (JET) Program or other employment service provider, unless 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 to find employment. BEM 230A, p. 1. A cash recipient who refuses, without good cause, to participate in assigned employment and/or self-sufficiency-related activities is subject to penalties. BEM 230A, p. 1. This is commonly called "noncompliance". BEM 233A defines noncompliance as failing or refusing to, without good cause:

...Appear and participate with the Jobs, Education and Training (JET) Program or other employment service provider..." BEM 233A p.1

However, a failure to participate can be overcome if the client has good cause. Good cause is a valid reason for failing to participate with employment and/or self-sufficiency-related activities that are based on factors that are beyond the control of the claimant. BEM 233A. The penalty for noncompliance is FIP closure.

In Determining whether good cause has been demonstrated for non compliance with a JET requirement the standard to be applied is provided in BEM 233A page 3:

**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.

Based on the facts presented in this case, the Claimant was given numerous opportunities to attend the WorkFirst program and understood that her participation was mandatory if she wanted to continue to receive FIP and FAP benefits. The department gave the claimant two opportunities in September of 2010 to attend the WorkFirst program orientation. On the first appointment date the claimant demonstrated she had a good cause basis for not attending as she had car trouble. On the second appointment date the claimant did not bother to obtain correct directions to the facility where the orientation was being conducted which was a circumstance within her control. Failing to attend jet orientation because the claimant did not have correct directions is a factor that was within her control and the claimant did not demonstrate good cause for failing to attend the work first orientation.

Based upon these facts and circumstances the department's decision and finding of no good cause is correct and must be upheld. Likewise, the three-month closure of the claimant's FIP case and removal from her FAP group are appropriate sanctions. BEM 233A. Therefore, the undersigned must rule that the Department's finding of no good cause and the imposition of a three month sanction, closing the Claimant's FIP case and removal of the claimant from her FAP group as required by BEM 233A, is correct.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the claimant failed to Participate in the Jobs Education and Training program without good cause and therefore the department's decision closing her FIP

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case for a three month period and removing her from her FAP group is correct and is hereby AFFIRMED.



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Lynn M. Ferris  
Administrative Law Judge  
For Ismael Ahmed, Director  
Department of Human Services

Date Signed: 11/29/2010

Date Mailed: 11/29/2010

**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.

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