

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

IN THE MATTER OF:



Reg. No: 201128853
Issue No: 1005
Case No: [REDACTED]
Hearing Date: May 25, 2011
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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 May 25, 2011. The claimant appeared and testified.

ISSUE

Was good cause established for noncompliance with the 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) From October 25, 2010, to October 29, 2010, the claimant admitted she missed her Michigan Works JET assignment.
- (2) From November 1, 2010, to November 5, 2011, the claimant admits she missed her JET job search assignments.
- (3) On November 5, 2010, the claimant claimed good cause due to a power outage.
- (4) On November 17, 2010, the claimant had a triage meeting and good cause was not determined.

- (5) On November 17, 2010, the DHS terminated the claimant's FIP based on noncompliance with the JET Program, per BEM 233a.

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 Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The facts above are undisputed, except for number 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 as in recipients. BEM 233a, page 3.

The claimant testified that on November 5, 2010, she notified her JET caseworker that she missed her JET assignments stated above due to illness. The supervisor for the manager testified as to the process used by the manager. He was required to document the claimant's reason given in her file. The document stated that the claimant missed her assignments due to a power outage.

This ALJ finds the DHS documentary process more trustworthy and reliable than the claimant's statement at the hearing that she was ill.

Therefore, the claimant has not established good cause by the necessary, competent, material, and substantial evidence on the whole record.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that good cause was not established for noncompliance with the JET Program.

Accordingly, FIP termination is UPHeld.

/s/
William Sundquist
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: June 3, 2011

Date Mailed: June 6, 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 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.

WAS/ar

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