

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

IN THE MATTER OF:

[REDACTED]

Reg No: 2011-29950

Issue No: 1005

[REDACTED]

Saginaw County DHS-73

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice, an in person hearing was held on July 19, 2010. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

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. Pursuant to an allegation of noncompliance due to job loss, a triage meeting was held on March 8, 2011.
3. Issues were raised at the triage meeting with regard to Claimant's job ending.
4. Claimant told the Department at the triage meeting that her job ended because her work study hours had been exhausted for the semester.
5. The Department requested that Claimant provide documentation specifically showing the reason for the job ending and requested documentation be provided by the end of the day.

6. Claimant was unable to provide documentation regarding the job stopping.
7. Claimant's case was processed for closure.
8. No evidence that Claimant was fired or quit or that Claimant's explanation for the job loss was incorrect was presented by the Department at hearing.
9. Claimant's case worker did not testify at hearing.
10. Claimant credibly testified that the job ended due to her work study hours being exhausted.
11. Claimant requested a hearing contesting the closure of FIP benefits on March 18, 2011. Benefits were reinstated pending the hearing.

### 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.

Department policy dictates reasons for job loss that would result in noncompliance:

**REFUSING SUITABLE EMPLOYMENT**

Refusing suitable employment means doing **any** of the following:

- Voluntarily reducing hours or otherwise reducing earnings.
- Quitting a job (see exception below).

***Exception:*** This does NOT apply if:

- The MWA verifies the client changed jobs or reduced hours in order to participate in an MWA approved education and training program
- A teen parent or dependent child quits a seasonal job to return to a high school or GED program.
- Firing for misconduct or absenteeism (not for incompetence). BEM 233A

In the present case, Claimant credibly testified that her job ended due to her work study hours being exhausted. The Department presented no proof that Claimant's job ended for any other reason other than her work study hours being exhausted. The Department conceded at hearing that if Claimant had provided more proof that her job ended because her work study hours had been exhausted, that her case would not have closed. This Administrative Law Judge cannot find that Claimant was noncompliant because the Department presented no proof that Claimant quit, was fired or lost her job in a way that would make her noncompliant. Accordingly, the Department's closure of FIP benefits was improper and incorrect because Claimant was not noncompliant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the closure of FIP benefits, and it is ORDERED that the Department's decision in this regard be and is hereby REVERSED. Claimant's FIP benefits shall be reinstated back to the date of closure, the penalty shall be lifted and a supplement shall be paid for any missed benefits.



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

Date Signed: \_\_\_\_7/25/11\_\_\_\_

Date Mailed: \_\_\_\_4/25/11\_\_\_\_

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

