

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201141622  
Issue No.: 1038  
Case No.: [REDACTED]  
Hearing Date: August 29, 2011  
Wayne County DHS

**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 August 29, 2011. The Claimant appeared and testified. [REDACTED], FIS appeared on behalf of the Department of Human Services.

**ISSUE**

Whether the Department correctly sanctioned and closed the Claimant's cash assistance FIP for non compliance with work related activities.

**FINDINGS OF FACT**

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

1. The Claimant was assigned to attend the Work First program.
2. The Claimant failed to attend the Work First program on, and after, April 18, 2011.
3. A Notice of Noncompliance and several warning letters were sent the Claimant at the correct address of record.
4. A Notice of Noncompliance was sent, and a triage was held on July 7, 2011.
5. The Claimant did not attend a triage.

6. At the triage, the Department found that the Claimant was in noncompliance with the attendance requirements of the Work First program, and found no good cause for her non-attendance.
7. The Claimant testified that she did not receive the notice of triage.
8. The Claimant did not communicate with her case worker, or the Work First program, regarding personal threats made to her by family members residing in her home.
9. The Claimant requested a hearing on June 29, 2011, protesting the closure of her cash assistance.

### **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"), formerly known as the Family Independence Agency, administers the FIP program pursuant to MCL 400.10, *et seq* and Michigan Administrative Code Rules 400.3101-3131. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

DHS requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. BEM 233A All Work Eligible Individuals ("WEI") are required to participate in the development of a Family Self-Sufficiency Plan ("FSSP") unless good cause exists. BEM 228 As a condition of eligibility, all WEIs must engage in employment and/or self-sufficiency related activities. BEM 233A The WEI is considered non-compliant for failing or refusing to appear and participate with the Jobs, Education, and Training Program ("JET") or other employment service provider. BEM 233A 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. BEM 233A Failure to comply without good cause results in FIP closure. BEM 233A The first and second occurrences of non-compliance results in a 3 month FIP closure. BEM 233A The third occurrence results in a 12 month sanction.

JET participants will not be terminated from a JET program without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A In processing a FIP closure, the Department is required to send the client a notice of non-compliance, DHS-2444, which must include the date(s) of the non-compliance; the reason the client was determined to be non-compliant; and the penalty duration. BEM 233A In addition, a triage must be held within the negative action

201141622 /LMF

period. BEM 233A A good cause determination is made during the triage and prior to the negative action effective date. BEM 233A.

In this case, the Claimant claimed to have not received the Notice of Non Compliance and Triage appointment, because she was not consistently living at the address where the Notice was sent. The Notice was sent to the last known address registered with the Department. The Claimant did receive the notice of case action closing her cash assistance case, which led to the request for hearing in this matter. There is a presumption in law that a letter properly addressed and sent is presumed to be received. In this case because the Claimant did not advise the Department regarding various issues surrounding her mail, or the fact that she was not always living at the address and did not update the Department with any other address where her mail should be sent, the Claimant has not rebutted the presumption of receipt. Therefore it is presumed that the letter, the Notice of Noncompliance, which scheduled the triage was received by the Claimant. The Department properly addressed and sent the Notice of Triage to the Claimant at the last known address it had for the Claimant.


At hearing the Claimant testified that she did not attend Work First because she was in school, because she was seeking work, and because of domestic issues at her home. The Claimant's testimony in this regard was not credible as her testimony was inconsistent, and in general appeared lacking in truthfulness. The Claimant provided no documentary proof that she attended school, or took a job that did not pan out and offered no good cause proof why she could not attend the Work First program. This finding was also influenced by the fact that Claimant did not inform her case worker of any of these issues prior to the hearing. The Claimant did not present facts or circumstances at the hearing which would support a finding of good cause which would excuse her from attending the Work First program. Thus, it must be found that the Department correctly closed her cash assistance and sanction for noncompliance with work related activities.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department correctly closed the Claimant's cash assistance and FIP case, and correctly imposed a three-month sanction closing the Claimant's case for noncompliance with work related activities for non-attendance at the Work First

201141622 /LMF

program. Accordingly, the Department's determination is AFFIRMED.

  
Lynn M. Ferris  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: August 30, 2011

Date Mailed: August 30, 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.

LMF/hw

cc:

