

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201154428  
Issue No.: 1038, 3005  
Case No.: [REDACTED]  
Hearing Date: October 19, 2011  
Wayne County DHS (15)

**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 October 19, 2011. The claimant appeared and testified. [REDACTED], her mother, also appeared and testified. [REDACTED], JET Specialist appeared on behalf of the Department.

**ISSUE**

Whether the Department properly closed the Claimant's FIP cash assistance case and reduced the Claimant's FAP benefits for non compliance with work related activities without good cause.

**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 an ongoing recipient of FIP cash assistance and food assistance (FAP).
2. As a result of a redetermination, the Department was advised that the Claimant's daughter, [REDACTED] age 17 had graduated from high school. The Claimant's son [REDACTED] age 16 was not attending school.
3. Based upon the redetermination information, the Department issued two notices of JET appointments dated June 17, 2011 for [REDACTED] and [REDACTED], who were assigned to attend orientation for Work First on June 27, 2011. Exhibit 1.

4. The Claimant and her two children received the notices to attend orientation.
5. Neither Ellen nor Neal attended the JET orientation.
6. Notices of Non Compliance dated June 16, 2011 were sent to [REDACTED] and [REDACTED]. The notices scheduled a triage for August 26, 2011 for non compliance arising out of the failure to attend orientation. Exhibit 2 and 3.
7. The Notices of Non Compliance were received by the Claimant.
8. At the time of the orientation, the Claimant's daughter was living in the home and was available to attend orientation. The Claimant's daughter left for college on August 26, 2011 and no longer resides in the FAP household.
9. The Claimant's son left the home at some point after the orientation. The Claimant did not advise the Department prior to the triage or at any time prior to 9/7/11 that her son was not living in the home.
10. The Department held a triage on August 26, 2011, imposed a 3 month sanction, closed the Claimant's FIP case effective October 1, 2011 and reduced the Claimant's FAP group due to the failure of [REDACTED] and [REDACTED] to attend Work First orientation.
11. The Department found no good cause for failure of [REDACTED] and [REDACTED] to attend the orientation. Exhibits 4 and 5.
12. The Claimant requested a hearing on 9/7/11 protesting the closure of her FIP case and reduction of her FAP benefits.

### **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

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("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, as was the case here, 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 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 Department closed the Claimant's FIP case and reduced the Claimant's FAP benefits when the Claimant's two children who were required to attend the Work First program failed to attend orientation and a subsequent triage. In this case the Claimant admitted that her children were living in the home at the time of orientation and confirmed that her son was not in school and her daughter had graduated.

Under these facts the Department ,based on the best available information it had at the time, properly imposed a sanction and closed the Claimant's FIP cash assistance case and reduced the group's FAP benefits after the triage.

A triage was held and neither the Claimant nor her children attended. While the Claimant's daughter left for college the day of the triage this did not excuse her failure to attend the orientation for the JET program. The Department properly found no good cause and no evidence was presented by the Claimant, or her witness, at the hearing which would excuse her daughter's failure to attend and thus the Claimant did not establish good cause for failure of her daughter to attend orientation.

The Claimant's son may not have been living in the home on the date of the triage but this fact was not reported to the Department until September 7, 2011. Further the Claimant did not establish when her son left the home. Even if the Claimant's son had

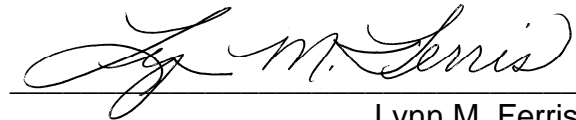
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been excused from attending orientation because he was no longer in the home, the failure of the Claimant's daughter to attend orientation was a sufficient act to cause closure of the FIP case and reduce the Claimant's FAP benefits. BEM 233 A and B.

Based upon the forgoing analysis, the Claimant's FIP case was properly closed and the Fap benefits accordingly reduced when her daughter and son did not attend and participate in the Work First program and the Department properly imposed a 3 month sanction for non compliance with work related activities without good cause.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the Department properly closed the Claimant's FIP case, properly imposed a three month sanction, and correctly reduced the Claimant's FAP benefits due to non compliance without good cause. The Department's decision is AFFIRMED.



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

Date Signed: October 24, 2011

Date Mailed: October 24, 2011

**NOTICE:** Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases).

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:

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- misapplication of manual policy or law in the hearing decision,
- typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
- the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail to:  
Michigan Administrative hearings  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

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cc:

