

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201216273
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: January 12, 2012
Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 January 12, 2012 from Detroit, Michigan. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], [REDACTED], Triage Coordinator, and [REDACTED], Manager, appeared and testified.

ISSUE

The issue is whether DHS properly terminated Claimant's Family Independence Program (FIP) benefits due to Claimant's alleged noncompliance with Work Participation Program (WPP) participation.

FINDINGS OF FACT

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

1. Claimant was an ongoing FIP benefit recipient.
2. Claimant worked for an employer on 9/29/11 before losing the employment for unspecified reasons.
3. Claimant was unable to work between 9/28/11-10/7/11 (see Exhibit 1-6) due to medical-related reasons.
4. On 10/13/11, DHS determined that Claimant was non-compliant with employment-related activities due to losing her employment.

5. On 10/18/11, DHS initiated termination of FIP benefits effective 11/2011 based on alleged noncompliance with employment-related activities.
6. On 11/9/11, Claimant requested a hearing to dispute the FIP benefit termination.

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.* DHS administers the FIP pursuant to MCL 400.10, *et seq* and MAC R 400.3101-3131. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

DHS requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. BEM 233A at 1. The DHS focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. *Id.* However, there are consequences for a client who refuses to participate, without good cause. *Id.*

Refusing suitable employment means doing any of the following:

- Voluntarily reducing hours or otherwise reducing earnings.
- Quitting a job (This does NOT apply if the work participation program verifies the client changed jobs or reduced hours in order to participate in a work participation program approved education and training program).
- Firing for misconduct or absenteeism (not for incompetence).
- Refusing a bona fide offer of employment or additional hours up to 40 hours per week. A bona fide offer of employment means a definite offer paying wages of at least the applicable state minimum wage.

DHS alleged that Claimant was noncompliant with employment-related activities due to losing a job that Claimant had for one day. DHS could not definitively establish why Claimant's employment ended; they merely presumed because that it ended after one day, there was fault by Claimant. Though the DHS knowledge of Claimant's employment circumstances was underwhelming, for purposes of this decision, it will be found that DHS established some basis for non-compliance. Whether the showing was sufficient will be considered in the good cause analysis.

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. *Id* at 3. Good cause includes any of the following: employment for 40 hours/week, physically or mentally unfit, illness or injury, reasonable accommodation, no child care, no transportation, illegal activities, discrimination,

unplanned event or factor, long commute or eligibility for an extended FIP period. *Id* at 4. A claim of good cause must be verified. *Id* at 3.

Claimant provided DHS with multiple physician letters (Exhibits 1-6) which verified that Claimant was under medical care over the period of 9/28/11-10/7/11. Claimant's verified illness during a time that she was allegedly fired from a job (which was not established) is persuasive evidence that Claimant lost her employment for a circumstance which was beyond her control (her illness). In other words, even if DHS established that Claimant refused suitable employment, Claimant established good cause for doing so. It is found that DHS erred in finding that Claimant was non-compliant with employment-related activities.

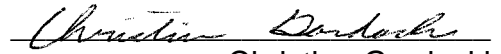
There was no dispute that the FIP benefit termination was based solely on non-compliance related to Claimant's alleged refusal to accept suitable employment. As the non-compliance finding was found to be incorrect, it is found that DHS erred in terminating FIP benefits for Claimant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's FIP effective 11/2011. It is ordered that DHS:

- (1) redetermine Claimant's FIP benefit eligibility effective 11/2011 as a result of the improper finding of noncompliance;
- (2) remove any disqualification from Claimant's disqualification history as a result of the improper finding of noncompliance; and
- (3) supplement Claimant for any benefits lost as a result of the improper finding of non-compliance.

The actions taken by DHS are REVERSED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 20, 2012

Date Mailed: January 20, 2012

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:
 - 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

CG/hw

cc:

