

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201241050  
Issue No.: 1038  
Case No.: [REDACTED]  
Hearing Date: April 23, 2012  
County: Oakland (03)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on April 23, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED] Family Independence Specialist; [REDACTED] JET Coordinator; and [REDACTED] Employment Training Specialist/Case Manager with Southfield Career Center, a Michigan Works Agency.

**ISSUE**

Whether the Department properly closed Claimant's case for Family Independence Program (FIP) benefits based on Claimant's failure to participate in employment-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. Claimant was an ongoing recipient of FIP benefits and was required to participate in employment-related activities.
2. On February 7, 2012, the Department sent Claimant a Notice of Noncompliance scheduling a triage on February 21, 2012.
3. Claimant participated in the triage.

4. The Department held the triage and found that Claimant had failed to comply with employment-related activities without good cause.
5. On March 6, 2012, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case, effective March 31, 2012 based on a failure to participate in employment-related activities without good cause.
6. The Department imposed a  first  second  third sanction for Claimant's failure to comply with employment-related obligations.
7. On March 16, 2012, Claimant filed a request for a hearing disputing the Department's action.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

In order to increase their employability and obtain employment, work eligible individuals (WEI) seeking FIP are required to participate in the Jobs, Education and Training (JET) Program or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A; BEM 233A. Failing or refusing to attend or participate in a JET program or other employment service provider without good cause constitutes a noncompliance with employment or self-sufficiency related activities. BEM 233A.

Good cause is a valid reason for noncompliance which is beyond the control of the noncompliant person. BEM 233A. JET participants will not be terminated from a JET program without the Department first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A. Good cause must be based on the best information available during the triage and prior to the negative action date. BEM 233A. Good cause may be verified by information already on file with the Department or the work participation program. BEM 233A.

Additionally, all WEIs, unless temporarily deferred, must either engage in employment that pays at least state minimum wage or participate in employment services. BEM 230A. A client's actual hours of participation in paid work activities must be verified. BEM 230A.

In this case, on December 15, 2011, Claimant advised her worker at the Michigan Work Agency (MWA) that she was employed. On February 6, 2012, the MWA worker contacted Claimant to verify her continued employment and learned that she had not been employed since December 26, 2012. Because Claimant was not employed and was not participating in work-related activities at MWA, a triage was held on February 21, 2012. The Department concluded that Claimant had failed to comply with work-related activities without good cause and notified her on March 6, 2012, that her FIP case would close effective March 31, 2012. Because this was Claimant's first noncompliance, she was penalized with a minimum three-month closure of her case.

At the hearing, Claimant conceded that she had not worked for her employer, a temporary employment agency, from January 6, 2012 to February 21, 2012, the date of the triage. Claimant contended, however, that she was engaged in community service during this period. Claimant presented a Notice of Volunteer Service form dated February 13, 2012, showing that she assisted in a school classroom. Claimant admitted that she had not presented this document at her triage or at any time prior to the hearing. A client is required to submit a weekly activity log each Friday. BEM 230A. This requirement was specified on the form. A client's failure to return the activity log by the weekly due date is treated as a noncompliance. BEM 230A. Claimant's log did not cover the period from January 6, 2012 to February 21, 2012, the period Claimant acknowledged she was not working. It was also not submitted to her worker on a weekly basis. Thus, Claimant could not rely on the log to establish her compliance with work-related activities. Although Claimant contended that a December 12, 2011, email from her MWA worker permitted her community service to fulfill her obligations under the work participation agreement, the worker credibly testified that community service was required for a portion of her work-related activities, not in lieu of those activities. Also, he pointed out that the email was sent prior to Claimant's period of employment, which changed the timing of the requirements.

At the hearing, Claimant also attempted to establish that the Department was to blame for failing to provide copies of documents she signed listing her responsibilities with respect to the work participation program, specifically the Contract/Service Agreement. The Service Agreement required that Claimant contact her caseworker when she was not employed, specified the terms under which community services was to be performed, and outlined her job search requirements. Claimant was required to initial the two-page document four separate times to acknowledge reading and understanding different bulleted items. Claimant was also required to sign the document at the end after acknowledging that, if she did not follow the requirements, she could be deemed noncompliant and sent back to the Department to be sanctioned. Claimant did not dispute that she signed and initialed the Agreement. In addition to Claimant's initials and signature acknowledging her understanding of her obligations, the MWA worker credibly testified that it was common practice for the form to be read aloud at orientation and for copies to be provided to all participants. These circumstances do not support Claimant's argument that she was not aware of her obligations.

Based on the facts in this case, the Department acted in accordance with Department policy when it found that Claimant had failed to comply with employment-related activities without good cause and closed Claimant's FIP case effective April 1, 2012.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly closed Claimant's FIP case.       improperly closed Claimant's FIP case.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly.       did not act properly.

Accordingly, the Department's FIP decision is  AFFIRMED  REVERSED for the reasons stated above and on the record.



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**Alice C. Elkin**  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: April 26, 2012

Date Mailed: April 26, 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 at  
Michigan Administrative hearings  
Re consideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

ACE/cl

cc:

