

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

**IN THE MATTER OF:**



Reg. No.: 2012 15155  
Issue No.: 1038  
Case No.: [REDACTED]  
Hearing Date: January 18, 2012  
County: Wayne County DHS (18)

**ADMINISTRATIVE LAW JUDGE:** Lynn M. Ferris

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge upon Claimant's request for a hearing made pursuant to MCL 400.9 and MCL 400.37, which govern the administrative hearing and appeal process. After due notice, a telephone hearing was held on January 18, 2012 from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED], FIS and [REDACTED], FIM.

**ISSUE**

Whether the Department properly closed Claimant's case for benefits under the Family Independence Program (FIP) based on Claimant's failure to participate in employment-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. Claimant was an ongoing recipient of FIP benefits and was required to participate in employment-related activities.
2. The Claimant was assigned to attend Work First.
3. The Claimant was found in non compliance with Work First and a Notice of Non Compliance dated 9/8/11 was sent to the Claimant scheduling a triage on September 15, 2011 to determine good cause for non compliance on August 29, 2011. Exhibit 1

4. On 9/15/11 a triage was held and the Department found that the Claimant had failed to establish good cause for failing to participate in her assigned employment related activities. The Claimant did not attend the triage.
5. On 9/8/11, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case for 90 days effective 10/1/11.
6. The Department imposed a first sanction of 90 days for Claimant's failure to comply with employment-related obligations and participation in Work First as assigned.
7. On 11/21/11, Claimant filed a request for a hearing disputing the Department's action closing her case for 3 months.

### **CONCLUSIONS OF LAW**

Department policies are found 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 Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

In order to increase their employability and obtain employment, work eligible individuals (WEI) seeking FIP are required to participate in the 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-sufficient 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. Good cause **must** be considered even if the client does not attend, with particular attention to possible disabilities (including disabilities that have not been diagnosed or identified by the client) and unmet needs for accommodation. BEM 233A.

Additionally, The Claimant was assigned to attend a Money Edge program beginning 8/29/11 and did not attend the program or contact the Work First program to advise them why she did not attend. The Claimant also did not attend the triage because she received the triage notice the day of the triage, after the triage was held. After listening to the testimony of the participants at the hearing, including the Claimant, it is noted that the Claimant conceded that she was not attending the Money Edge program because she essentially did not want to and instead wanted to job search. The Claimant chose not to attend the program she was assigned to rather than request a different assignment. Based upon this testimony, it is found the Claimant failed to participate without good cause as her ability to attend was entirely within her control and she chose not to attend. Even if the Claimant had attended the triage, based on her testimony regarding her absence from the Money Edge program she has not demonstrated good cause.

While the Claimant testified that her son was also ill during the period and required that she care for him, she did not produce a doctor's note at the hearing or to her worker as requested, and the dates of her son's illness were unclear. Given the finding in the previous paragraph that the Claimant did not attend the Money Edge program and did not demonstrate good cause, that conclusion is sufficient in and of itself to find that the Department properly closed and sanctioned the Claimant's FIP case for non participation with the jet program requirements. Under these circumstances the Department properly closed and sanctioned the Claimant's FIP cash assistance case for non compliance with Work First requirements without good cause. BEM233A. The Claimant may reapply for FIP.

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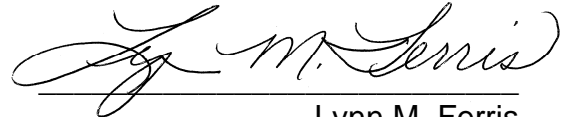
Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department  properly closed Claimant's FIP case.  improperly closed Claimant's FIP case.

**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 decision is  AFFIRMED  REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:



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

Date Signed: January 24, 2012

Date Mailed: January 24, 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.

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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

SB/hw

cc:

