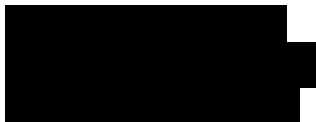


STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**



Reg. No.: 2012 230444  
Issue No.: 1038  
Load No.: [REDACTED]  
Hearing Date: March 8, 2012  
Wayne County DHS (55)

**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 March 8, 2012, 2011 from Detroit, Michigan. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], FIS and [REDACTED], FIS appeared and testified.

**ISSUE**

Whether DHS properly terminated Claimant's Family Independence Program (FIP) benefits due to Claimant's alleged noncompliance with Jobs, Education and Training (JET) 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. The Claimant attended JET orientation and was assigned to attend Work First for a total of 20 hours weekly.
3. A triage was held on December 27, 2011, which was attended by the Claimant. The Department found that the Claimant had no good cause for her non attendance at the Work First program.

4. The Department offered the Claimant the opportunity to provide medical information in support of a medical deferral due to her medical conditions, and provided the claimant with two forms (DHS 54E and DHS 49, Exhibits 4 and 5) to be completed by a doctor and returned to Work First by January 9, 2012.
5. The Claimant never returned the forms as required, and did not return to the Work First program.
6. On March 1, 2012 the Department closed the Claimant's FIP case and imposed a 90 day sanction for non compliance without good cause, and failure to return the medical forms in support of the medical deferment.
7. On January 25, 2012 the Claimant requested an administrative hearing to dispute the FIP benefit termination and sanction.

### **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. Federal and state laws require each work eligible individual (WEI) in a FIP group to participate in Jobs, Education and Training (JET) Program or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. *Id.* These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. *Id.*

JET is a program administered by the Michigan Department of Energy, Labor and Economic Growth through the Michigan Works! Agencies. *Id.* The JET program serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. *Id.*

The non deferred individual who is assigned to attend Work First is considered non-compliant for failing or refusing to appear and participate with JET or other employment service provider. *Id.* at 2. Note that DHS regulations do not objectively define, "failure or refusing to appear and participate with JET". Thus, it is left to interpretation how many hours of JET absence constitute a failure to participate.

DHS regulations provide some guidance on this issue elsewhere in their policy. A client's participation in an unpaid work activity may be interrupted by occasional illness or unavoidable event. BEM 230 at 22. A Work First participant's absence may be excused up to 16 hours in a month but no more than 80 hours in a 12-month period. *Id.*

In the present case, Claimant did not meet the attendance requirement of 20 hours weekly attendance at the Work First program due to illness. The Claimant testified that she was ill with Bells Palsy. The Claimant was sent a Notice of Non Compliance for attendance and a triage was held on December 27, 2011. Based upon the Claimant's medical problems presented at the triage, the Department agreed to allow the Claimant an opportunity to provide medical information in support of a deferral from Work First. The Claimant was given until January 9, 2012 to provide the completed medical forms. The Claimant did not attempt to get the forms completed until January 8, 2012, the day before they were due to be returned, and was advised by the clinic that it would take 10 days to have the forms completed. The Department did not issue its Notice of Case Action until January 23, 2012, at which time it imposed a 3 month sanction for closure effective March 1, 2012. At no time, did the Claimant provide the requested forms, and thus no deferral was granted. The Claimant also did not attend the Work First program after the triage.

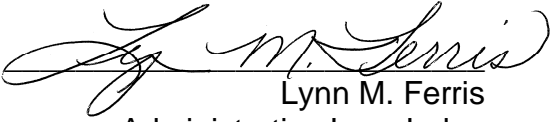
Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the noncompliant person. *Id* at 3. Good cause includes any of the following: employment for 40 hours/week, physically or mentally unfit, 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.

Based on the presented evidence, it is found that the Claimant failed to provide the Department the medical forms necessary to support her deferral for medical reasons and did not seek an extension within which to complete the forms. The Claimant testified that she contacted the Work First program the day before the forms were due and did not receive a return call. The Work First representative did not recall receiving any call or phone message from the Claimant regarding the forms. Under these circumstances the Claimant did not fulfill her obligations and had no circumstances that would excuse her filing the forms in a timely manner, other than that she did not request them timely, a circumstance within her control.

Based upon the foregoing analysis, the testimony of the parties and the documentary evidence, it is found that the Department properly closed the Claimant's FIP case and imposed a 90 day sanction for non compliance with work related activities. The Claimant may reapply for FIP benefits in May 2012.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's FIP benefits effective March 1, 2012 based on noncompliance with JET participation. The actions taken by DHS are AFFIRMED.

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

Date Signed: March 13, 2012

Date Mailed: March 13, 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.

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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

LMF/hw

cc:

