

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

**IN THE MATTER OF:**



Reg. No: 201239998

Issue No: 1038, 3029

Case No: 112200000

   
Berrien County DHS

**ADMINISTRATIVE LAW JUDGE:** William A. Sundquist

**HEARING DECISION**

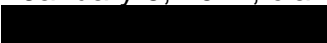
This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on Thursday, April 19, 2012. Claimant appeared and provided testimony on her behalf.

**ISSUE**

Was good cause established of noncompliance with JET?

**FINDINGS OF FACT**

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

1. On February 2, 2012, the Department of Human Services (DHS) terminated claimant's FIP/FAP based on noncompliance of JET per BEM 230AB and 233AB.
2. On December 19, 2011, claimant did not attend a JET with her job-search log nor did she phone JET that she would be absence as required by JET rules.
3. On January 3, 2012, claimant appeared before JET with partial completion of her job-search logs for the weeks of December 19<sup>th</sup> and 27<sup>th</sup>, 2011.
4. On January 9, 2012, claimant was excused by JET by phone to take a test at  subject to college verification.
5. On January 9, 2012, claimant was assigned to triage for noncompliance of the assignments above with triage meeting on February 25, 2012.
6. At the triage claimant claimed that on December 19, 2011 she was depressed and getting ready to move and didn't notice JET; that Jet

advised claimant to obtain medical verification in support of her claimed good cause from a physician; and that the claimant submitted a verification from and RN.

7. At the triage the claimant claimed that on January 3, 2012 she had lost some of her job-search logs.
8. At the triage the claimant claimed that on January 9, 2012 that the college verification "slipped my mind."

### **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) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Facts above are undisputed.

### **NONCOMPLIANCE WITH EMPLOYMENT AND/OR SELF-SUFFICIENCY-RELATED ACTIVITIES**

As a condition of eligibility, all WEIs and non-WEIs must work or engage in employment and/or self-sufficiency-related activities. Noncompliance of applicants, recipients, or member adds means doing any of the following without good cause:

- Failing or refusing to:
  - Appear and participate with the work participation program or other employment service provider.
  - Provide legitimate documentation of work participation

- .. Participate in employment and/or self-sufficiency-related activities.
- .. Participate in required activity.
- Refusing employment support services if the refusal prevents participation in an employment and/or self-sufficiency-related activity.

### **GOOD CAUSE FOR NONCOMPLIANCE**

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. A claim of good cause must be verified and documented for member adds and recipients. Document the good cause determination in Bridges and the FSSP under the Participation and Compliance tab. BEM 233A.

### **NONCOMPLIANCE WITH EMPLOYMENT AND/OR SELF-SUFFICIENCY-RELATED ACTIVITIES**

As a condition of eligibility WEIs in the eligible group must work or engage in activities leading to employment. Persons failing to do so are disqualified from the eligible group. USE FIP policy in BEM 228 under Work Eligible Individuals, REQUIRED HOURS OF PARTICIPATION FOR WEIs, and Deferral for Short Term Incapacity in BEM 230A.

Noncompliance with an employment and/or self-sufficiency-related activity means any of the following:

- Failing or refusing to:
  - .. Comply with activities assigned to the WEI on the Family Self-Sufficiency Plan (FSSP) or other plan until the FSSP is available to contractors.
  - .. Appear for a scheduled appointment or meeting.
  - .. Participate in employment and/or self-sufficiency-related activities.

### **GOOD CAUSE FOR NONCOMPLIANCE OR REFUSING EMPLOYMENT**

Good cause is a valid reason for failing to participate in employment and/or self-sufficiency-related activities that are

based on factors that are beyond the control of the noncompliant WEI. A claim of good cause must be verified and documented for applicants, recipients and member adds. BEM 233C.

The claimant introduced no evidence of record that it was beyond her control to have appeared for her work-related assignment on December 19, 2011 nor compliance with a phone call to JET of her absence that day.

Claimant was advised by JET that she could establish good cause with a medical verification by a medical doctor's verification that she had inability to participate in JET. For example, acceptable medical sources are DO, MD, or fully licensed psychiatrist. BEM 260. Claimant ignored JET's request and furnished, instead an RN statement.

The claimant testified that she lost part of her job-search logs due January 3, 2012. She had the responsibility to re-construct the logs or seek help from the DHS prior to January 3, 2012. BAM 105. This she failed to do.

The claimant testified she failed to verify attendance at [REDACTED] on January 9, 2012 because it slipped her mind. She introduced no competent evidence of record to establish that it was beyond her control to have obtained the College verification to submit timely to the DHS.

### **Verifications All Programs**

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702. BAM, Item 105, p. 8.

### **Assisting the Client All Programs**

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English. BAM, Item 105, p. 9.

If the claimant was having multiple verification problems, she had the responsibility to timely seek help from the DHS. This she failed to do.

The evidence of record does not establish that it was beyond the claimant's control to have complied with the JET requirements. Therefore, good cause has not been established for her JET noncompliance.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that good cause for noncompliance with JET was not established.

Accordingly, FIP/FAP termination is **UPHELD**.

/s/  
William A. Sundquist  
Administrative Law Judge  
For Maura D. Corrigan, Director  
Department of Human Services

Date Signed: April 25, 2012

Date Mailed: April 25, 2012

**NOTICE:** Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

WAS/tb

cc:

