

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

IN THE MATTER OF:

[REDACTED]

Reg No: 201260498
Issue No: 1005
Case No: [REDACTED]
Hearing Date: January 16, 2013
County DHS: Crawford

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DECISION AND ORDER

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, an in-person hearing was held on January 16, 2013. The Claimant appeared and testified. Claimant's Authorized Hearings Representative, [REDACTED], also appeared. The Department was represented by [REDACTED]; and [REDACTED], [REDACTED]. [REDACTED] also appeared and testified. The Department was also represented by [REDACTED].

ISSUE

Did the Department properly close and sanction Claimant's Family Independence Program ("FIP") benefits case for non-compliance with the Work First/Jobs Education and Training ("JET") program?

FINDINGS OF FACT

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

1. Claimant was a recipient of FIP benefits who was assigned to JET.
2. Notice of Noncompliance for failing to participate was sent to Claimant on [REDACTED], with notice of a [REDACTED] triage meeting.
3. Claimant appeared at the scheduled triage meeting on [REDACTED]. Claimant was found to not have good cause at the triage meeting. Claimant was given ten days to submit a completed Medical Needs Form.
4. Claimant contacted the Department on [REDACTED], informing the Department that he was unable to have the medical needs form

completed. Claimant did not request an extension or assistance from the Department in this message.

5. Claimant testified that he attempted to have multiple physicians complete the medical needs form during the period in question.
6. Claimant's FIP case was processed for closure on [REDACTED].
7. Claimant submitted a Medical Needs form dated [REDACTED].
8. Claimant was previously found in noncompliance on two occasions.

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 Dependant Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference manual (PRM).

The Family Independence Program (FIP) provides temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency-related activities so they can become self-supporting. Federal and State laws require each work eligible individual (WEI) in the FIP group to participate in the Jobs, Education and Training (JET) Program or other employment-related activities unless temporarily deferred or engaged in activities that meet participation requirements. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain stable employment. BEM 230A.

JET is a program administered by the Michigan Department of Labor and Economic Growth (DLEG) through the Michigan Works Agencies (MWAs). 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. BEM 230 A. A mandatory participant in the JET program who fails without good cause to participate in employment activity must be penalized. BEM 233(a). The penalty for the first occurrence of noncompliance in the JET program is a closure for a minimum of three calendar months under the FIP program. BEM 233(a). Good cause is a valid reason for noncompliance with employment related activities. A claim of good cause must be verified and documented for applicants, members, and recipients. BEM Manual Item 230(a), BEM Manual Item 230(b); 7 CFR Parts 272 and 273.

In the present case, Claimant alleged at hearing that there was good cause for [REDACTED] noncompliance due to his treating physician's refusal to complete the Medical Needs form as requested and due to his poor health. Adequate proof regarding good cause at the time of closure was not presented by Claimant at hearing. BEM 233A.

This Administrative Law Judge finds that Claimant was noncompliant with JET by failing to meet hours and did not have good cause for failing to participate with JET. BEM 233A pp.4. Claimant failed to provide adequate proof of good cause related noncompliance. Accordingly, the Department's closure of FIP benefits was proper and correct. Claimant's advocate argued that the refusal of Claimant's physicians to complete to forms should not lead to the closure and sanction of Claimant's benefits. However, the Department has no affirmative obligation to provide assistance to Claimant in obtaining documentation unless it is specifically requested. At the triage and in his message on the 10th day following the triage, Claimant made no request for an extension or for assistance. The Department's actions were proper and correct pursuant to Department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was correct in the closure of FIP benefits and imposition of sanction, and it is ORDERED that the Department's decision in this regard be and is hereby **AFFIRMED**.



Aaron McClintic
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 01/22/2013

Date Mailed: 01/23/2013

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 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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

AM/kl

cc:

