

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

IN THE MATTER OF:

[REDACTED]

Reg. No.:
Issue No.:
Case No.:
Hearing Date:
County:

[REDACTED]
1038
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 [REDACTED] from [REDACTED]. Participants on behalf of Claimant included Tina Robertson as Authorized Hearings Representative for the Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly sanctioned the Claimant's Family Independence Program (FIP) case for noncompliance with the 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. The Claimant applied for Family Independence Program (FIP) benefits on [REDACTED].
2. The Department referred the Claimant to the Jobs, Education, and Training (JET) program as a condition of receiving FIP benefits.
3. On [REDACTED] the Department notified the Claimant that she had been scheduled for an orientation to the JET program that would take place on [REDACTED].

4. The Claimant failed to attend or reschedule the orientation to the JET program by ██████████
5. On ██████████, the Department notified the Claimant that it had denied her Family Independence Program (FIP) application.
6. The Department received the Claimant's request for a hearing on ██████████ protesting the sanctioning of her FIP benefits.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RTM), and the Bridges Reference Manual (BRM).

Department policy states that clients must be made aware that public assistance is limited to 48 months to meet their family's needs and that they must take personal responsibility to achieve self-sufficiency. This message, along with information on ways to achieve independence, direct support services, non-compliance penalties, and good cause reasons, is initially shared by DHS when the client applies for cash assistance. Jobs, Education and Training (JET) program requirements, education and training opportunities, and assessments will be covered by the JET case manager when a mandatory JET participant is referred at application. Department of Human Services Bridges Eligibility Manual (BEM) 229 (December 1, 2011).

Federal and State laws require each work eligible individual (WEI) in the FIP and RAP 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. 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. A WEI who refuses, without good cause, to participate in assigned employment and/or self-sufficiency-related activities is subject to penalties. Department of Human Services Bridges Eligibility Manual (BEM) 230A (December 1, 2011).

The Claimant applied for Family Independence Program (FIP) benefits on ██████████ and the Department had referred her the Jobs, Education, and Training (JET) program as a condition of receiving benefits. On ██████████ the

[REDACTED]/KS

Department notified the Claimant that she had been scheduled for an orientation to the JET program that would take place on [REDACTED]. The Claimant failed to attend or reschedule the orientation to the JET program by [REDACTED]. On [REDACTED], the Department notified the Claimant that it had denied her Family Independence Program (FIP) application.

The Claimant's representative did not dispute that the Claimant failed to attend the [REDACTED] orientation to the JET program, but argued that there was good cause for this noncompliance. The Claimant's representative testified that the side effects of the Claimant's required medication are a barrier to her participation in the JET program that are beyond her control.

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. BEM 233A. In this case, the Claimant's representative failed to present sufficient evidence to establish good cause for the Claimant's noncompliance.

The Department provided the Claimant with forms that if completed and returned may have established a need to defer the Claimant from participation in the JET program. These forms were not returned to the Department in a timely manner. These forms may have also established good cause for the Claimant's noncompliance with the JET program on [REDACTED].

Non-compliance with employment or self-sufficiency activities may result in denial of benefits. Non-compliance of applicants includes failing or refusing to appear and participate with the JET program. Non-compliance while an application for FIP benefits is pending results in group ineligibility. BEM 233A.

The Department will not approve a FIP application where the Claimant is not fully participating in the JET program. The Department does not conduct a triage meeting while the Claimant's application is pending.

The Claimant's representative testified that she was unable to obtain medical documentation to establish a deferral from the JET program, or good cause for failing to participate in the JET program, because of delays getting the documentation completed by the Claimant's treating physician.

However, since neither the information necessary for the Department to grant a deferral from the JET program, nor evidence necessary for the Department to find good cause were provided, the Claimant remained ineligible to receive FIP benefits until she complied with the program.

[REDACTED]/KS

Request must be submitted through the local DHS office or directly to MAHS by mail at

Michigan Administrative hearings
Recons ideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

KS/tb

cc:

[REDACTED]