

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

IN THE MATTER OF:

[REDACTED]

Reg.No. 2013 11283  
Issue No. 1038  
Case No. [REDACTED]  
Hearing Date: January 17, 2013  
Wayne County DHS (18)

**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 January 17, 2013. The Claimant appeared and testified. [REDACTED] Jet Case Manager, [REDACTED] Jet Coordinator, [REDACTED] FIM, appeared on behalf of the Department. [REDACTED] Triage Coordinator from the Michigan Works Program, appeared as a witness on behalf of the Department.

**ISSUE**

Whether the Department correctly sanctioned and closed the Claimant's cash assistance (FIP) for noncompliance with work-related activities without good cause.

**FINDINGS OF FACT**

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

1. The Claimant was an ongoing participant of the Work First program and was an ongoing recipient of FIP benefits.
2. The Claimant did not meet the conditions of her re-engagement letter to appear at Work First of November 5, 2012 to provide the program copies of her weekly participation assignments.
3. The Department sent a notice of noncompliance to the Claimant on November 7, 2012. The Notice scheduled a triage for November 15, 2012. Exhibit 1.
4. The Claimant did attend the triage. At the triage the Department found no good cause.

5. The Department sent a Notice of Case Action on November 7, 2012 closing the Claimant's FIP case for 3 months effective December 1, 2012.
6. The Claimant requested a hearing on November 15, 2012 protesting the closure of her FIP cash assistance case.

### **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"), formerly known as the Family Independence Agency, administers the FIP program pursuant to MCL 400.10, *et seq* and Michigan Administrative Code Rules 400.3101-3131. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

DHS requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. BEM 233A All Work Eligible Individuals ("WEI") as a condition of eligibility must engage in employment and/or self-sufficiency related activities. BEM 233A The WEI is considered non-compliant for failing or refusing to appear and participate with the Jobs, Education, and Training Program ("JET") or other employment service provider. BEM 233A 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. BEM 233A Failure to comply without good cause results in FIP closure. BEM 233A The first and second occurrences of non-compliance result in a 3 and 6 month FIP closure respectively. BEM 233A The third occurrence results in a Lifetime sanction.

JET participants will not be terminated from a JET program without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A In processing a FIP closure, the Department is required to send the client a notice of non-compliance, DHS-2444, which must include the date(s) of the non-compliance; the reason the client was determined to be non-compliant; and the penalty duration. BEM 233A In addition, a triage must be held within the negative action period. BEM 233A A good cause determination is made during the triage and prior to the negative action effective date. BEM 233A. However, a failure to participate can be overcome if the client has good cause. Good cause is a valid reason for failing to participate with employment and/or self-sufficiency-related activities that are based on factors that are beyond the control of the claimant. BEM 233A. The penalty for noncompliance is FIP closure.

BEM 233A provides direction to the Department as follows when determining good cause:

Clients must comply with triage requirement and provide good cause verification within the negative action period. Determine good cause based on the best information available during the triage and prior to the negative action date. Good cause may be verified by information already on file with DHS or the work participation program. BEM 233A, page 8.

In this case, the Claimant was assigned to attend Work First and appeared at Work First with her two-year-old child. The Claimant was sent away by the program because children are not allowed and the Claimant was re-engaged by the program that day. As part of the re-engagement, the Claimant was to appear at Work First on November 5, 2012 and provide the program her assignments for the week of October 29, 2012. The Claimant did not appear or call the program to advise she could not attend the appointment.

The Department presented a witness, an employee of the Work First program, whose credible testimony supported the Department's actions finding the Claimant in non-compliance without good cause. The Claimant essentially did not contact the program because her phone was shut off and did not request transportation to Work First prior to the appointment which she missed. Overall it did appear that the Claimant did not make sufficient efforts to assure compliance with the Work First requirements or, in the alternative, seek assistance with transportation or a deferral due to her ankle.

The evidence presented demonstrated that the Department held a triage and that at the triage the Department determined that the Claimant had failed to meet her weekly participation requirements and correctly determined that good cause was not established. The Department correctly found no good cause and instituted closure of the Claimant's FIP case. The Claimant's inaction with regard to attending Work First and not communicating with the program caused the sanction to be properly imposed.

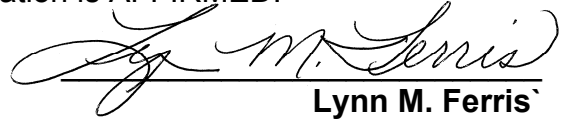
Based on the above Findings of Fact and Conclusions of Law, the testimony of witnesses and the documentary evidence received, the Department has demonstrated that it correctly followed and applied Department policy in closing and sanctioning the Claimant's FIP case for noncompliance without good cause and imposing a 3 month sanction. BEM 233A.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department correctly closed the Claimant's cash assistance FIP case,

2013 11283 /LMF

and correctly imposed a 3 month sanction on closing the Claimant's case for noncompliance with work-related activities for non-participation with the Work First program. Accordingly, the Department's determination is AFFIRMED.



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

Date Signed: January 25, 2013  
Date Mailed: January 25, 2013

**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.

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

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cc:

