

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

IN THE MATTER OF:



Reg. No.: 201319172
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: February 12, 2013
County: Wayne County DHS #43

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 February 12, 2013. Claimant appeared and testified.

ISSUE

Did the Department properly sanction Claimant's Family Independence Program (FIP) for failure to participate in employment and/or self-sufficiency related activities?

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 recipient of Family Independence Program (FIP) benefits. It was mandatory for Claimant's benefit group to participate in the Michigan Works Agency/Jobs Education and Training Program (JET). Claimant's living together partner was deferred from participation.
- (2) On November 26, 2012, Claimant participated in a Hearing on whether her Family Independence Program (FIP) should be sanctioned because her living together partner had not attended JET. Both parties agree Claimant had a hearing and that her Family Independence Program (FIP) was not sanctioned as a result of the hearing.
- (3) Starting November 27, 2012, Claimant did not attend JET or meet her JET participation requirements.

- (4) On November 27, 2012, Claimant was sent notice that she was authorized for Child Development and Care (CDC) beginning August 28, 2012 until October 6, 2012.
- (5) On December 3, 2012, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Child Development and Care (CDC) was denied beginning December 16, 2012.
- (6) On December 5, 2012, Claimant spoke with JET case worker Carter. Ms. Carter recorded that Claimant was asked if she was told to return to JET at the hearing and that Claimant replied she had not been told that. Claimant was told to come in to JET at 9:00 am on December 6, 2012. Claimant stated she would have to bring her child in with her. Claimant was again told to come in to JET at 9:00 am on December 6, 2012.
- (7) On December 6, 2012, Claimant did not come in to JET. JET requested a triage for Claimant.
- (8) On December 13, 2012, Claimant was sent a Notice of Non-Compliance (DHS-2444) which scheduled a triage meeting for December 20, 2012. Claimant was also sent a Notice of Case Action (DHS-1605) stating that the Family Independence Program (FIP) would be sanctioned.
- (9) On December 20, 2012, Claimant attended the scheduled triage meeting. The Department determined there was no good cause for Claimant's failure to participate in employment and/or self-sufficiency related activities.
- (10) On December 20, 2012, Claimant submitted a request for hearing.

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, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1997 AACRS R 400.3101-3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BEM 233A FAILURE TO MEET EMPLOYMENT AND/OR SELF-SUFFICIENCY RELATED REQUIREMENTS: FIP

DEPARTMENT PHILOSOPHY FIP

DHS requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. Our focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate, without good cause.

The goal of the FIP penalty policy is to obtain client compliance with appropriate work and/or self-sufficiency related assignments and to ensure that barriers to such compliance have been identified and removed. The goal is to bring the client into compliance.

Noncompliance may be an indicator of possible disabilities. Consider further exploration of any barriers.

DEPARTMENT POLICY FIP

A Work Eligible Individual (WEI) and non-WEIs (except ineligible grantees, clients deferred for lack of child care, and disqualified aliens), see [BEM 228](#), who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized. Depending on the case situation, penalties include the following:

- Delay in eligibility at application.
- Ineligibility (denial or termination of FIP with no minimum penalty period).
- Case closure for a minimum of three months for the first episode of noncompliance, six months for the second episode of noncompliance and lifetime closure for the third episode of noncompliance.

See [BEM 233B](#) for the Food Assistance Program (FAP) policy when the FIP penalty is closure.

See [BEM 233B](#) for the Food Assistance Program (FAP) policy when the FIP penalty is closure. For the Refugee Assistance Program (RAP) penalty policy, see [BEM 233C](#).

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:

Failure to complete a FAST or FSSP results in closure due to failure to provide requested verification. Clients can reapply at any time.

- Failing or refusing to:

- Appear and participate with the Jobs, Education and Training (JET) Program or other employment service provider.
- Complete a Family Automated Screening Tool (FAST), as assigned as the first step in the FSSP process.
- Develop a Family Self-Sufficiency Plan (FSSP).
- Comply with activities assigned on the FSSP.
- Provide legitimate documentation of work participation.
- Appear for a scheduled appointment or meeting related to assigned activities.
- Participate in employment and/or self-sufficiency-related activities.
- Participate in required activity.
- Accept a job referral.
- Complete a job application.
- Appear for a job interview (see the exception below).
- Stating orally or in writing a definite intent not to comply with program requirements.
- Threatening, physically abusing or otherwise behaving disruptively toward anyone conducting or participating in an employment and/or self-sufficiency-related 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.

From November 26, 2012 through December 6, 2012 is the period JET considers Claimant was non-compliant. Claimant does not dispute that she did not attend JET or Meet her participation requirements during that period of time. Claimant asserts good cause based on not having child care. The Department asserts Claimant received Child Development and Care (CDC) for the time she attended JET. A BRIDGES Eligibility Summary printout submitted by the Department (page 3) shows that Claimant was authorized for Child Development and Care (CDC) from October 7, 2012 until December 16, 2012. The printout was made on December 26, 2012. It gives a certification date of December 17, 2012 for the approved period of September 23, 2012 to November 3, 2012. The certification date for the approved period of November 4 to 17, 2012 is December 3, 2012. The certification date for the approved period of November 18, 2012 to December 15, 2012 is December 11, 2012.

There is no evidence in the record showing that Claimant was approved for Child Development and Care (CDC) on November 16, 2012 and until December 15, 2012. The evidence of her approval during that period has a certification date after the actual period.

The evidence also shows that Claimant was specifically told to come in to JET at 9:00 am on December 6, 2012 even though she told JET she would have to bring her child in. Child care is not an issue for the no call no show on December 6, 2012. Claimant's failure to attend JET on December 6, 2012, as directed, was non-compliance.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department properly sanctioned Claimant's Family Independence Program (FIP) for failure to participate in employment and/or self-sufficiency related activities.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **UPHELD**.

/s/
Gary F. Heisler
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: February 19, 2013

Date Mailed: February 20, 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.

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.

CGF/hj

cc:

