

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant

Reg. No.: 2009-10596
Issue No.: 1006
Case No.:
Load No.:
Hearing Date:
February 23, 2009
Genesee County DHS (2)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on February 23, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly move to close the Claimant's Family Independence Program (FIP)?

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 a FAP recipient and was required to participate in employment related activities (ERA).
2. On December 17, 2008, JET notified the Department of the need for triage with the Claimant for not meeting the required work related hours.

3. On December 17, 2008, the Department sent the Claimant a notice of triage for December 23, 2008. (Department exhibit 1).
4. [REDACTED], the Claimant met with her JET worker and told him that her business was failing and that she was not meeting her work related hours. (Claimant exhibit 1).
5. On December 23, 2008, the Claimant did not attend the scheduled triage but called the Department stating that she had just received the triage notice that same day.
6. The Department moved to close the Claimant's FIP.
7. On December 30, 2008, the Claimant filed a request for a 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, 8 USC 601, et seq. The Department of Human Services (formerly known as the Family Independence Agency) 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 (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case, the Claimant testified that she had repeatedly attempted to contact her JET worker beginning on or about November 7, 2008. The JET worker acknowledged same and this fact is documented in his case notes.

Evidently, the claimant was attempting to fulfill her work related hours by working in her own business. When she realized that she was falling short on work related hours she attempted to make the above contact with JET.

I find the Claimant was not in noncompliance with work related activities.

DECISION AND ORDER

The Administrative Law Judge based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to retroactively reinstate the Claimant's FIP.

/s/

Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/18/09

Date Mailed: 03/18/09

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.

MJB/jlg

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