

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2009-15861

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 6, 2009

Bay County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on April 6, 2009. Claimant and her social worker personally appeared and testified. The Department was represented by a family independence manager and a Department JET worker.

ISSUE

Did the Department properly determine that Claimant's Family Independence Program (FIP) case should be closed and her Food Assistance Program (FAP) benefits reduced on the grounds that she failed to comply with the Jobs, Education, and Training (JET) program requirements without good cause?

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 is a FIP and FAP recipient. She receives \$307 in monthly FIP benefits and \$403 in monthly FAP benefits.
- (2) In January 2009, the Medical Review Team (MRT) found that Claimant was not disabled. As a result, on February 3, 2009, the Department referred her to the Work First/Jobs, Education, and Training (JET) program. (Exhibit 5).
- (3) A JET notice dated February 3, 2009 informed Claimant that she was to attend JET on by February 23, 2009. (Exhibit 5).
- (4) Claimant did not comply with the JET notice, resulting in a Notice of Noncompliance, dated February 23, 2009. (Exhibit 4). Because she did not comply with the requirement to attend JET by February 23, 2009, a biage meeting was scheduled for February 27, 2009 at 9:00 a.m. at the Department office to allow Claimant the opportunity to “report and verify her reason for noncompliance.” (Exhibit 5).
- (5) The Department held a biage meeting by telephone on February 27, 2009; the Department found no good cause for her failure to attend JET. (Exhibit 3).
- (6) Claimant asserted that she wants to work and be self-sufficient but fears that she will be unsuccessful at JET. Claimant explained that she is concerned about maintaining her composure throughout the day due to crying spells and other anxiety responses that she frequently experiences.
- (7) The Department sent Claimant notices that her FIP case would close, effective March 7, 2009 (Exhibit 2), and that her FAP benefits would be reduced to \$176, effective March 7, 2009 (Exhibit 1) due to her failure to comply with the JET requirement.

- (8) Claimant disagreed with the Department on the grounds that her mental condition prevents her from attending JET. (Exhibits 1 and 2).
- (9) The Department received hearing requests on March 4, 2009. (Exhibits 1 and 2).

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 for FIP are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The uncontested evidence presented established that Claimant failed to attend JET as instructed. At this hearing, the Department offered Claimant an opportunity to return to JET and comply with JET requirements without the loss of benefits. A condition of the Department's offer was that Claimant will not lose benefits if she complies with all JET requirements for 10 days after returning to JET. Claimant stated that she would accept the offer and communicate

with her Department and JET program workers to allow them to help her efforts to meet JET requirements. The Department made this offer because this is Claimant's first noncompliance and because she expressed a desire to return to work.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted properly in determining to sanction Claimant for her first noncompliance.

Accordingly, the Department's action to find Claimant committed a first noncompliance is **AFFIRMED**. The Department also is **ORDERED** to (a) find a first noncompliance without a loss of benefits and (b) provide Claimant with another opportunity to comply with JET after the Department receives this Decision and Order.

/s/
Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/14/09

Date Mailed: 04/15/09

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 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.

TW/dj

2009-15861/TW

cc:

