

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: 2009-20698

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 3, 2009

Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 telephone hearing was held on June 3, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly terminate claimant's Family Independence Program (FIP) benefits in April, 2009?

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 was a FIP recipient and a mandatory Work First/Jobs, Education and Training (WF/JET) participant when department received notice on March 19, 2009, from WF/JET staff that she was not meeting the required amount of job search hours (Department's Exhibit #14).

2. On March 27, 2009, department mailed the claimant a Notice of Noncompliance scheduling a triage appointment for April 2, 2009, to discuss her reasons for WF/JET noncompliance (Department's Exhibit #12).

3. Claimant did not show up for the triage but called her caseworker on April 6, 2009, to explain she did not attend the triage because she did not get her mail for a week. Claimant gave her reasons for WF/JET noncompliance to her caseworker over the telephone on April 6, 2009, but no good cause for the noncompliance was found.

4. Claimant's FIP benefits were terminated on April 16, 2009. Claimant requested a hearing on April 20, 2009.

#### 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

DHS requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. All Work Eligible Individuals (WEI) who are not deferred and who fail, without good cause, to participate in employment or self-sufficiency-related activities must be penalized. PEM 233A.

According to the hearing testimony from WF/JET Case Manager claimant was assigned to 20 hours per week of job search. The week of February 15, 2009, claimant completed 20

hours of job search. The week of February 22, 2009, claimant had zero hours of job search. The week of March 1, 2009, claimant again completed 20 hours of job search, but had only 2 hours for the week of March 8, 2009, and was therefore 18 hours short for that week. The week of March 15, 2009, claimant again had zero hours of job search.

Claimant was asked to provide an explanation as to why she did not complete required hours of job search. Claimant testified that she cannot recall why she did not do this, and is not contesting WF/JET documentation of job search hours she did and did not complete. Claimant had nothing further to state on the issue.

As the claimant had not presented any reasons for her WF/JET noncompliance that could be considered as possible good cause, department had no other option but to sanction her FIP benefits by terminating them in accordance with departmental policy.

It is noted that the claimant had initially cited Child Development and Care (CDC) and Food Assistance Program (FAP) programs in her hearing request. Claimant testified that she never provided verification of school attendance in order to receive CDC for such need, and that she understands why the department had to close her CDC case.

Furthermore, claimant has a child under 6 and is therefore deferred from participation in employment-related activities for FAP. Claimant was not removed from the FAP case however, her FIP grant continues to be budgeted as income even though she is not receiving FIP due to WF/JET sanction. Departmental policy requires continuous budgeting of the FIP grant even though the claimant will not receive it, when FIP benefits are terminated due to WF/JET noncompliance. PEM 233B.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly terminated claimant's FIP benefits in April, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/

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Ivona Rairigh  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: June 9, 2009

Date Mailed: June 11, 2009

**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.

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