

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: 2009-22202
Issue No: 1038; 3029
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 17, 2009
Saginaw 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 17, 2009. Claimant did not appear. Claimant's husband, [REDACTED] personally appeared and testified.

ISSUE

Did the department correctly take action to terminate claimant's Family Independence Program (FIP) benefits and sanction her Food Assistance Program (FAP) 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. Claimants [REDACTED] were receiving FIP and FAP benefits with [REDACTED] being a mandatory Work First/ Jobs, Education and Training (WF/JET) participant. [REDACTED] was required to participate in Advanced Job Search (ASJ) for 35 hours per week.

2. [REDACTED] signed a Work and/or Self-Sufficiency Rules for Cash Recipients form on June 27, 2007, acknowledging that he understood WF/JET program requirements (Department's Exhibit #2).

3. On April 6, 2009, WF/JET staff notified the department that [REDACTED] is not meeting his 35 hour per week participation requirement, and requested a triage appointment be set up (Department's Exhibit #3).

4. On April 9, 2009, department mailed the claimant a Notice of Noncompliance listing [REDACTED] name, stating that he had not attended AJS for 35 hours as required but only for 16 hours, and setting a triage appointment for April 21, 2009, to discuss his reasons for this noncompliance (Department's Exhibits #5 and 6).

5. [REDACTED] attended the triage appointment and stated he was confused about attendance policies and thought if he had documentation of why he did not attend he would be ok, and sign in was not important. [REDACTED] had been counseled regarding attendance on February 16, 2009, and was given an opportunity to re-engage on that date. [REDACTED] further stated that he had a number of personal issues to take care of. No good cause was found (Department's Exhibits #7-9).

6. Department took action to terminate claimant's FIP benefits and sanction [REDACTED] on FAP benefits effective April 28, 2009. Claimant requested a hearing on April 27, 2009, and department deleted negative actions pending the outcome of this 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 (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).

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 (DHS or department) 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).

DHS requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. All Work Eligible Individuals (WEI) who fail, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized. PEM 233A and B.

Claimant's husband was assigned to AJS for 35 hours per week, fact he does not dispute. WF/JET staff present at the hearing testified that [REDACTED] only attended AJS for two days of the week ending March 13, 2009. [REDACTED] starts his testimony by saying that the department is not wrong, but that he did not make it on bus on time, and that he had a class required by his probation from 1200 to 1330 hours on another day. WF/JET staff responds that [REDACTED] could have signed in from 2 p.m. to 3 p.m. at Michigan Works, and therefore after his class ended. [REDACTED] states that he had to report to his probation officer after his class, but when asked why he did not do such reporting from 8 a.m. to 12:00, claimant states "good question". WF/JET staff also point out that [REDACTED] was directed to call his Case Manager on

March 20, 2009, and case notes provided for this hearing do show contact with WF/JET staff from [REDACTED] on March 19, 2009, advising him to do so. [REDACTED] then states that his wife did not give him a message and/or remind him to call his Case Manager on March 20, 2009.

After reviewing documentation provided by the department and considering the hearing testimony from the department's representatives and claimant's husband, this Administrative Law Judge must conclude that he did not have good cause as defined in department's policy for his noncompliance with WF/JET assigned activities. Failing to take the bus on time, failing to report to WF/JET when there was no reason not to do so, and claimant not reminding her husband that he has to call his WF/JET Case Manager in order to keep their FIP and FAP benefits intact, are all examples of behavior that WF/JET strives to correct in order to make clients employable. It appears that [REDACTED] was given several opportunities to continue his WF/JET participation without any sanctions, but he chose not to take them.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly took action to terminate claimant's FIP benefits and sanction her FAP benefits in April, 2009.

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

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

Date Signed: June 22, 2009

Date Mailed: June 23, 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.

IR 

cc: 