

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: 2009-27554
Issue No: 1038; 3029
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 28, 2009
Montcalm 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 July 28, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly terminate claimant's Family Independence Program (FIP) benefits and sanction her Food Assistance Program (FAP) benefits?

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 and FAP recipient and a mandatory Work First/Jobs, Education and Training (WF/JET) participant when JET staff determined that she was not meeting the required number of hours of JET participation.

2. JET notes for May 13, 2009, indicate that the claimant submitted job search hours of 10.75 hours and time sheet form for employment at 22.5 hours for week of May 3, 2009, but the employment form was not signed by claimant's supervisor and she provided no pay stubs either.

3. On May 21, 2009, department sent the claimant a Notice of Noncompliance scheduling a triage appointment for May 26, 2009, to discuss her reasons for not participating in required activity the week of May 3, 2009.

4. Triage was held and department determined that the claimant did not have good cause for her failure to participate with JET program requirements. Department took action on May 27, 2009, to terminate claimant's FIP benefits and sanction her FAP benefits. Claimant requested a hearing on June 17, 2009, after negative actions have already taken place.

5. During the hearing it was determined that additional information from JET staff was needed. Department and the claimant agreed to extension of the record to obtain this information, until August 8, 2009.

6. Department manager e-mailed additional information he obtained from JET staff. JET staff state that the claimant was expected to participate with JET activities (i.e. job search, employment) for 35 hours for the week of May 3, 2009, that she completed 33.25 hours, that she was short 1.75 hours for this week, that JET policy is that no travel time is counted toward work activity and that clients are only allowed travel time during Job Search Activity. It was also noted that the claimant was allowed travel time in the past for Job Search Activity only, not for travel to and from work.

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).

That the claimant was a mandatory JET participant required to participate in employment-related activities is not in dispute. Claimant was required to participate in JET activities for 35 hours for the week of May 3, 2009. Claimant stated at the hearing that she was not sure what her required participation hours were. However, additional information received from JET staff indicates that the claimant completed 33.25 hours for this week between employment and job search and was 1.75 hours short of 35 required hours only because she assumed that travel time to and from work would count. Therefore, it is apparent that the claimant was aware that her required participation hours were 35 hours per week.

Secondly, claimant does not dispute that she did not turn in her employment time sheet signed by her supervisor for the week of May 3, 2009 until May 19, 2009, even though she was required to do so on a weekly basis. Claimant testified that it was her fault for not doing so.

Departmental policy states that when a client fails to participate in JET assigned activities they must be sanctioned for such noncompliance. BEM 233A and 233B. Department therefore correctly took action to terminate claimant's FIP benefits and sanction her FAP benefits effective July 1, 2009, due to her JET noncompliance.

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 and sanctioned her FAP benefits effective July 1, 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: August 12, 2009

Date Mailed: August 13, 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 [REDACTED]

cc:

[REDACTED]