

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: 2009-35736
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 15, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 October 15, 2009.

ISSUE

Did the Department of Human Services (DHS) correctly impose a negative case action and three month sanction upon the claimant for noncompliance with work-related activities?

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 an FIP recipient in Wayne County.
- (2) Claimant allegedly stopped attending JET during the month of August, 2009.
- (3) No evidence was submitted to document this allegation.

- (4) No evidence was submitted that claimant was sent proper notice requiring her to attend triage.
- (5) A DHS-71, Good Cause Determination, was filed on September 1, 2009, and stated that claimant did not have good cause because she did not provide the Department with supporting documentation of good cause.
- (6) Claimant asked for time to submit evidence, but was refused.
- (7) This is allegedly claimant's third sanction; however, no evidence was provided to support this allegation.
- (8) Claimant provided supporting evidence at the hearing to show that she had been sick during the time in question; the Department provided no evidence at the hearing beyond a good cause determination.
- (9) On September 1, 2009, claimant was allegedly notified that her case would be put into closure for a penalty period of one year; however the Department provided no evidence that claimant was ever notified of this action.
- (10) On September 2, 2009, claimant requested a hearing, based upon being told by her caseworker that her FIP case would be closed.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Under normal circumstances, the undersigned would begin a recitation of the applicable law, and state exactly how it was relevant to the current case. However, these are not normal circumstances. During the course of the hearing, the Department submitted two exhibits: Exhibit 1 consisted of the hearing summary and Exhibit 2 was a good cause determination. No other evidence was offered.

The undersigned asked the Department if it wished to offer any more supporting evidence and was told by the Department that they were satisfied with their case. Furthermore, the Department only offered testimony that reiterated the statement of facts offered in the hearing summary. At no time was testimony offered from JET officials or any other individual involved in the case with first hand knowledge of the events.

Therefore, the Administrative Law Judge rules that the Department has utterly failed to meet their burden of proof in proving that claimant failed to participate with JET activities. The Department also failed to meet their burden of proof with regard to proving that the claimant did not have good cause if she had failed to participate with JET. No evidence was offered that claimant had failed to participate with JET, other than her caseworker's testimony. Claimant's caseworker is not a JET official, and had no first hand knowledge. No documentary evidence was provided. The Department's case packet consisted of 3 pages, one of which was the hearing summary, and one of which was an exact duplicate of the good cause determination. Therefore, the Department submitted exactly one piece of actual evidence, a piece of evidence which does not even begin to address the foundation of the Department's claims, which is that claimant had failed to participate with JET. The undersigned would also note that no evidence was presented

that claimant was provided proper notice. For these reasons, the undersigned must hold that the Department has not proven their case, nor has it proven anything resembling a case. The Department has, however, succeeded in wasting the time of all involved.

The Administrative Law Judge is under no burden to remind the Department of what is needed to prove their case, and will not argue the Department's case for them. If the Department fails to submit adequate evidence, the Administrative Law Judge will rule on the evidence that has been provided. In the current case, almost no evidence has been provided. Therefore, the undersigned must rule that there was no violation of Department policies on the behalf of the claimant.

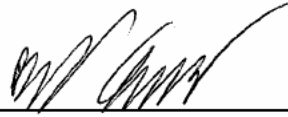
Furthermore, claimant submitted evidence which showed that, even if the Department had proven that claimant had been non-participatory, would have proven good cause. Claimant's Exhibit 1, Doctor's note, showed that claimant has been sick due to pregnancy related complications during the alleged period of non-participation. Claimant testified quite credibly that the Department refused to allow her time to secure this documentation. Therefore, even if the Department proved that she had been non-participatory, claimant had good cause, and was thus not noncompliant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant was in compliance with the JET program during the month of August, 2009, and did not fail to participate with work-related activities.

Accordingly, the Department's decision in the above stated matter is, hereby,
REVERSED.

The Department is ORDERED to remove all negative actions placed in the claimant's file arising from the current matter, and restore claimant's benefits retroactive to the date of negative action. Claimant is to be rescheduled for all appropriate work-related activities.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/23/09

Date Mailed: 12/04/09

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.

RJC/dj

cc:

