

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: 2009-36828
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 27, 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 October 27, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly terminate claimant's Family Independence Program (FIP) benefits in September, 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.

2. On December 19, 2008, claimant signed Work and/or Self-Sufficiency Rules for Cash Recipients form that advises in detail what WF/JET participants must do, acknowledging she understood these program requirements. (Department's Exhibit 1).

3. On June 15, 2009, claimant signed a form titled "Van and Cab Usage" that details policies for using the Van/Cab for transportation assistance, if needed for JET participation. Claimant also signed a form titled "Transportation Assistance", regarding transportation being available if she needs it for participation in assigned JET activities. (Department's Exhibits 2, 3 and 5).

4. Claimant also signed JET/Work First Requirements Update 3/2/09 on June 15, 2009, telling her that her job search hours are 20 per week, that she must fill out a job lead sheet completely each week documenting job search, and that job lead sheets must be received each Monday by 9:30 AM to be counted. Any sheets turned in late will not be counted. (Department's Exhibit 10).

5. The form also explained in detail what job search may consist of and listing how much time will be allowed for in person applications, follow up phone calls, resumes, on line applications, and in person interviews, towards the 20 hours of required job search per week.

6. Department provided job lead sheets submitted by the claimant that did not indicate how she applied for the jobs. Department also provided a detailed summary of hours of job search claimant had from week begin date of June 21, 2009 through July 19, 2009. Claimant only completed full 20 hours of job search for the week of July 5, 2009, and had at most 3 hours of required job search for the other weeks. (Department's Exhibit 28).

7. On August 13, 2009, department, upon receiving information from WF/JET that the claimant was in noncompliance with their program, mailed the claimant a Notice of

Noncompliance scheduling a triage for August 20, 2009, to discuss any good cause reasons she may have for this noncompliance. (Department's Exhibits 29 and 30).

8. Claimant stated at the triage that she never knew how to complete job lead sheets correctly, and the only sheet that she received the full 20 hours of credit for was completed by a friend who checked a box indicating she applied in person for the jobs, giving her 2 hours credit for 10 places of employment.

9. Department found no good cause, as the claimant signed a form at orientation agreeing that she understood she has a 20 hour weekly requirement and explaining how she was to report participation. Claimant also has been through the program before and WF/JET staff could find no reason as to why she would not know at this point how to complete the job lead sheets. (Department's Exhibit 31).

10. Department terminated claimant's FIP benefits on September 8, 2009, due to her WF/JET noncompliance. Claimant requested a hearing on September 9, 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).

That the claimant was a mandatory WF/JET participant is not in dispute. BEM 230A. Claimant was required to complete 20 hours of job search per week in order to be in compliance

with the assignment given her by JET staff as part of her employment-related activities.

Claimant states that the forms used to report job search were different than the forms she used before she had her baby and was deferred from JET participation for several months due to having the baby. This Administrative Law Judge pointed out to the claimant that she had signed numerous forms acknowledging her understanding of what and how she had to report her job search in June, 2009. Furthermore, one of the forms listed 8 places of job applications, and second forms only 9 places of such applications. Even if the claimant was to be given 2 hours credit for each application, she would only have 16 and 18 hours of job search for each of the two weeks, and therefore short of her required 20 hour weekly job search.

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 September, 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: November 2, 2009

Date Mailed: November 5, 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]