

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: 2009-6794

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 6, 2009

St. Joseph County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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, an in-person hearing was held on Thursday, August 6, 2009. The claimant personally appeared and testified with her friend, [REDACTED] as a witness.

ISSUE

Did the department act in accordance with department policy when it took action to close the claimant's Family Independence Program (FIP) case due to the claimant's refusal to cooperate with required Job, Education, and Training (JET) 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) The claimant was a recipient of FIP benefits, which required her to participate in JET activities.

(2) On November 7, 2008, the claimant was sent a letter of noncompliance for missed dates of Work First.

(3) On November 18, 2008, the claimant had a triage where the claimant was given a copy of the dates and reasons that she did not show up for Work First or was late. The claimant had called in almost every week or was late. The claimant was given an opportunity to ask for an exemption from Work First, but the claimant told the department caseworker that she could handle it. The department determined that the claimant had not participated in an acceptable manner with JET and the claimant was terminated from Work First and the sanction process was started. (Department Exhibit 1-3)

(4) On November 18, 2008, the claimant was determined not to have a good cause reason for not participating with JET with an effective date of December 2, 2008.

(5) On December 2, 2008, the department received a hearing request from the claimant, contesting the department's negative action.

(6) On December 2, 2008, the claimant's FIP benefits were cancelled because her hearing request was not timely, which resulted in her not receiving FIP benefits for eight months from December 2008 through August 2009.

(7) The department agrees to settle in that the claimant has not received benefits for a time within the three-month penalty. As a result, the claimant can reapply for FIP benefits.

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).

In the present case, the parties have reached an agreed upon settlement in that the claimant has not received benefits for a time within the three-month penalty. As a result, the claimant can reapply for FIP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the parties have reached an agreed upon settlement.

The department is ordered to allow the claimant to reapply for FIP benefits if she agrees to participate with the JET program since her three-month penalty has already been served, if it has not already done so.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 25, 2009

Date Mailed: August 25, 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.

CGF/vmc

cc:

