

[REDACTED]

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.: 2009-8854

Issue No.: 1012

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

February 12, 2009

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on February 12, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly close the Claimant's Family Independence Program (FIP)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

1. Claimant was a FIP recipient and required to participate in employment related activities.
2. On August 11, 2008, the Claimant was fired from her job for absenteeism.
3. On October 1, 2008, the Department sent the Claimant a notice of employment related noncompliance. (Department exhibit 2).

4. On October 13, 2008, the Department scheduled a triage to discuss the Claimant's firing from her job. The Claimant did not attend the triage or contact the Department concerning it and the Department found "no good cause," and determined that the Claimant was in noncompliance with employment related activities. (Department exhibit 4).
5. On October 25, 2008, the Department closed the Claimant's FIP.
6. On November 25, 2008, the Claimant filed a request for a 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 (formerly known as the Family Independence Agency) 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 instant case, the Claimant's failure to attend a triage after being fired from her job was the immediate reason her FIP was closed.

REFUSING SUITABLE EMPLOYMENT.

Refusing suitable employment means doing **any** of the following:

Voluntarily reducing hours or otherwise reducing earnings.
Quitting a job (see exception below).

Exception: This does NOT apply if:

The MWA verifies the client changed jobs or reduced hours in order to participate in an MWA approved education and training program.

A teen parent or dependent child quits a seasonal job to return to a high school or GED program.

Firing for misconduct or absenteeism (not for incompetence).

(PEM 233A, p. 3.

In the instant case, the Claimant was fired for absenteeism.

At the hearing the Claimant claimed to have been absent from work with her employer's approval but was fired when she returned. In addition, the Claimant claimed to have not received the notice of noncompliance.

There was no evidence to support Claimant's arguments; therefore, the Department was correct in closing the Claimant's FIP for employment related noncompliance.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's action in the instant case.

/s/
Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/13/09

Date Mailed: 03/18/09

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.

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The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

MJB/jlg

cc:

