

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: 2009-9780

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 21, 2009

Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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 April 21, 2009.

ISSUE

Whether the Department of Human Services (department) acted in compliance with department policy when it determined claimant's Family Independence Program (FIP) 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) During October, November and December 2008, claimant was a recipient of FIP benefits and both she and spouse were mandatory participants in the JET/Work First program. Department A.

(2) December 3, 2008, a TRIAGE was conducted and it was determined claimant and spouse did not have good cause for failure to participate. This was the third non-compliance.

Department A.

(3) The department initiated termination of claimant's benefits due to required JET/Work First sanction. Department A

CONSLUSIONS 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 this case, claimant and spouse were mandatory participants in the JET/Work First program, but failed to participate as required. At hearing, claimant and spouse asserted that they had good cause reasons for lack of participation: lack of transportation. The department credibly testified that all participants are provided with a bus pass if they so state a need. When they return for their next participation date, they are given another bus token and so on. These matters were covered in detail at claimant's orientation. Accordingly, a preponderance of the evidence establishes that the department properly determined claimant did not have good cause for third instance of non-participation and its action to sanction must be upheld. Finding of Fact 1-3. Program Eligibility Manual (PEM) 230A and 233A.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services acted in compliance with department policy. Accordingly, the department's action is HEREBY UPHELD.

/s/

Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 1, 2009

Date Mailed: September 2, 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 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.

JAB/db

cc:

