

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: 2009-16053

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 18, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 June 18, 2009. Claimant appeared and testified.

The record was left open for the Claimant's representative to provide policy regarding TRIAGE she indicate she had in her possession as well as provide an opportunity for the Claimant's representative an opportunity to view the Department sign in logs. To date no additional information has been received from the Claimant's representative.

ISSUE

Did the Department of Human Services (Department) properly sanction Claimant's Family Independence Program (FIP for failure to complete FAST survey)?

FINDINGS OF FACT

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

1. On February 21, 2009 the Department sent a notice of non-compliance to the Claimant regarding her failure to complete her FAST survey.

2. On February 25, 2009 a second non compliance notice was sent to the Claimant indicating she had failed to continue with JET.

3. On March 3, 2009 the Claimant attended a TRIAGE with the Department. The Claimant was instructed via the non compliance notice to be prepared to verify her reasons for not completing activities. On March 3, 2009 the Department determined the Claimant failed to have good cause for failing to complete the FAST survey.

4. The Claimant filed a hearing request on May 30, 2008.

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).

Relevant policy section PEM 233A, p. 1:

As a condition of eligibility, all WEIs and non-WEIs must work or engage in employment and/or self-sufficiency-related activities. **Noncompliance** of

applicants, recipients, or member adds means doing **any** of the following **without** good cause:

Failing or refusing to:

- Appear and participate with the Jobs, Education and Training (JET) Program or other employment service provider.
- Complete a Family Automated Screening Tool (FAST), as assigned as the first step in the FSSP process.

In the present case, the Claimant's FIP case was sanctioned for failure to complete the FAST survey as required. The Claimant testified she had in fact completed the survey on two separate occasions. The Claimant testified she had dropped off the FAST survey to the local office between the last two weeks of December and/or early January. During the hearing this Administrative Law Judge (ALJ) reviewed the logs in question looking prior to and after the date the Claimant indicated she signed in and dropped off the survey. This ALJ was unable to find the Claimant's name in the logs. The Claimant then asserted she had completed the survey a second time at the worker's desk sometime between late January and early February 2009. The Department testified this did not occur.

As indicated above the Claimant is required to complete the FAST survey in order to be found in compliance with JET. The Claimant provided no evidence other than her personal testimony in regards to this FAST survey being completed. This ALJ finds the Department testimony more credible regarding whether the FAST survey had been completed at the worker's desk. The system prints show no fast survey having been completed. The Claimant was given adequate time to complete the FAST survey and she failed to comply. The Claimant failed to fully cooperate with the program requirements.

This Administrative Law Judge finds the Department properly sanctioned the Claimant's FIP case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was acting in compliance with Department policy when it sanctioned the Claimant's FIP case.

Accordingly, the Department's decision is AFFIRMED.

/s/
Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/6/09

Date Mailed: 10/7/09

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 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.

JWO/at

cc:

