

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: 2009-20383
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 28, 2009
Washtenaw 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 July 28, 2009. Claimant was represented by [REDACTED]

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 August 2008 through December 2008, claimant was a mandatory JET participant. Program Eligibility Manual (PEM) 230B.

(2) During August 2008, claimant failed to participate in required JET activities and the department proposed to terminate his assistance. Hearing Decision, 2008-30861, Judge Rairigh, 10/13/08.

(3) October 13, 2008, an Administrative Law Judge (ALJ) found claimant had good cause (lack of transportation – PEM 233A) for his non-participation. The department was ordered to issue claimant a Verification Checklist with a deadline to return complete A-ride application. If claimant timely completed and returned application, the department was to forward it to the [REDACTED]. When the A-ride was approved, the claimant was to be re-referred to JET activities. Department A; Hearing Decision, 2008-30861, Judge Rairigh, 10/13/2008.

(4) On or about December 5, 2008, the department was informed that claimant was approved for A-ride. A Verification Checklist (DHS-3503) was issued along with a Work First/Jobs, Education and Training Appointment Notice (DHS-4785) indicating that A-ride was approved and claimant must attend a JET appointment on December 15, 2008. Department A.

(5) Claimant failed to attend the appointment and failed to assert any good cause reason. Department A.

(6) The department provided claimant written notice that his assistance would terminate effective March 10, 2009.

(7) March 26, 2009, the department received claimant's timely hearing request.

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 this case, on October 13, 2008, claimant was found to have good cause for failure to participate in JET during August 2008 (no transportation). The department was ordered to re-refer claimant to JET when claimant was approved for A-ride. December 5, 2008, the department was informed that claimant was approved. As such, claimant's good cause reason for non-attendance was resolved. The department sent claimant appropriate paperwork to attend JET on December 15, 2008. Finding of Fact 1-4.

At hearing, claimant asserted that he did not receive anything other than the Verification Checklist and the DHS-4785. No testimony was provided as to exactly what items should have been provided to claimant or whom should have provided them. Claimant's representative intimated that perhaps the department did not actually arrange for A-ride as ordered by the ALJ in October 2008. No objective evidence was presented to establish that A-ride was not approved or that claimant was not aware that it had been approved. The information was so stated on the Verification Checklist and JET Appointment Notice of 12/5/08. Finding of Fact 4. Accordingly, the department has met its burden of proof that it complied with the ALJ's October 2008 Decision and Order. The department has met its burden of proof that claimant subsequently failed to attend JET without good cause. Finding of Fact 5. Therefore, the department's action to terminate claimant's assistance due to failure to participate in required work-related activities must be upheld. Finding of Fact 6.

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: August 17, 2009

Date Mailed: August 19, 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

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