

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: 2009-26201
Issue No: 1038; 3029
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 21, 2009
Berrien County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 telephone hearing was held on July 21, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly terminate claimant's Family Independence Program (FIP) benefits and sanction her Food Assistance Program (FAP) benefits in April, 2009?

FINDINGS OF FACT

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

1. Claimant was a FIP and FAP recipient and a mandatory Work First/Jobs, Education and Training (WF/JET) participant when she started working at [REDACTED] on December 11, 2008.

2. On January 5, 2009, department received a Verification of Employment form, DHS-38, completed by claimant's employer stating she was working 20 hours per week at \$7.40 per hour. (Department's Exhibit I, pp. 1 and 2).

3. Department budgeted claimant's employment income on her FIP and FAP benefits. Claimant was still required to participate with the WF/JET program for 30 hours per week, and reported that she was also working additional hours resulting in over 30 hours.

4. On February 10, 2009, JET Career Developer had an in-person contact with the claimant and informed her that she would need to bring in her pay stubs due to her not having brought them in, for purpose of verifying her total hours of work. Claimant stated she would do so and was given until the end of the week to bring the pay stubs in to WF/JET. (Department's Exhibit III, p. 2).

5. On March 4, 2009, JET Career Developed had still not received claimant's pay stubs and requested a triage be set up. On March 18, 2009, a Triage Appointment Notification was mailed to the claimant with an appointment date of March 25, 2009. (Department's Exhibit III, p. 1).

6. Claimant attended the triage and indicated that she had her check stubs and wanted to fax them in at that time, which she had previously had transportation issues and could not turn in her check stubs. Claimant was asked if she had missed work due to transportation issues and she indicated she had not missed work. No good cause was found for claimant's failure to turn in her check stubs to WF/JET from January 9, 2009 to March 4, 2009. (Department's Hearing Summary).

7. Claimant's FIP benefits closed on April 6, 2009 and her FAP case was sanctioned on this date. Claimant requested a hearing on June 5, 2009.

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).

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

That the claimant was a WF/JET participant and required to participate in employment-related activities for 30 hours per week is not in dispute. Claimant's employment would have satisfied this hourly participation requirement if verified. Verification of such employment is obtained through pay stubs, which the claimant was asked to provide on February 10, 2009 and given until March 4, 2009 to do. Claimant's failure to provide requested pay stubs resulted in determination that she was in noncompliance with WF/JET. PEM 230 A/B and 233 A/B. Department's testimony is that the last pay stub received from the claimant was on January 3, 2009.

Claimant states she did not provide the pay stubs, but that this was “human error”, she had no way to get to WF/JET to provide the pay stubs due to lack of transportation. Claimant was asked how she went to work and responds that she walked or caught rides with a cousin, but this cousin could not take her to WF/JET. Claimant also states that she worked during the day from 7 a.m. to 2:30 p.m. and could not make it to WF/JET for this reason also. MW representative at the hearing states that the office is open until 5:00 p.m. every day except Wednesday, when it is open until 8:00 p.m. Claimant was also asked by the Administrative Law Judge why she did not just mail the check stubs in during the time given her to provide them (which was almost a month), and she does not have a specific answer. Hearing Summary indicates that the claimant offered to fax her check stubs at the triage meeting, and why she could not do so during the month of February, 2009 is not known.

In conclusion, this Administrative Law Judge is unable to find a good cause reason for the claimant not to have provided her check stubs to WF/JET, as she was given more than sufficient period of time to do so, either in person, by mail, or by fax. Verification of claimant’s employment income was a requirement for her to continue to be in compliance with WF/JET, and to continue to receive her FIP and FAP benefits without interruption. Department therefore had no choice but to take action on these benefits due to WF/JET noncompliance.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly took action to terminate claimant's FIP benefits and sanction her FAP benefits in April, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/

Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 27, 2009

Date Mailed: July 29, 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.

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