

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: 2009-30348
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 23, 2009
Kent 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 September 23, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly take action to terminate claimant's Family Independence Program (FIP) benefits and sanction her Food Assistance Program (FAP) benefits in July, 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 WF/JET staff requested a triage on May 28, 2009, due to claimant's lack of participation.

2. WF/JET Update/View Case Notes indicates that the claimant was under her required hours of job search for the week of May 18, 2009, she did job search on May 18, 19 and 20, 2009, but that she was absent without documentation on May 21, 2009. Claimant turned in all of her job leads on May 22, 2009, but they were not accepted as they were late. Even if the job leads were timely, Case Notes state that the claimant would not have made her required hours of job search for the week.

3. On June 2, 2009, department mailed the claimant a Notice of Noncompliance scheduling a triage appointment for June 25, 2009.

4. Claimant attended the triage appointment and provided documentation excusing her for her late attendance on May 22, 2009, but could not provide any documentation for her days missed, including May 21, 2009 and her lack of job search hours for May 18 to May 20, 2009. No good cause was found.

5. Department took action to terminate claimant's FIP benefits, reduce her FAP benefits, and terminate her CDC benefits as she had no day care need. Claimant requested a timely hearing and continues to receive benefits pending the outcome of this 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 (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 mandatory WF/JET participant is not in dispute. BEM 230A. Claimant was required to perform job search as her assigned WF/JET activity and she failed to do such job search for the required number of hours. Claimant testified that she was at one place of employment for 4 hours on May 21, 2009 and this is why she did not manage to do job search at other places on this date. WF/JET documentation however shows that the claimant provided no documentation for May 21, 2009, for job search, and that she was late in providing her job search documentation as she did not provide it until May 22, 2009. Claimant was still short of her required hours of WF/JET participation even if her late job search documentation submission was considered.

Failure to participate in employment-related activities without good cause results in FIP and FAP penalty under the departmental policy. BEM 233A and 233B. Claimant has not shown that she either complied with WF/JET requirements or that she had good cause not to do so.

Claimant did not express an objection to department's determination that she no longer has a need for day care payments under the CDC program. It is noted that the claimant cannot receive CDC payments if she does not have a need for such payments, and her only CDC need was due to WF/JET participation. BEM 703.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly took action to terminate claimant's FIP benefits and sanction her FAP benefits in July, 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: October 12, 2009

Date Mailed: October 12, 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 60 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.

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