

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: 2009-36484
Issue No: 1021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 15, 2009
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing on August 20, 2009. After due notice, a hearing was conducted on October 15, 2009. The Claimant appeared and testified. Bernard Nowakowski, JET caseworker appeared on behalf of the Department.

ISSUE

Whether the Department properly issued a negative action on Claimant's Family Independence Program ("FIP") case for noncompliance with Work First?

FINDINGS OF FACT

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

1. Claimant was an active FIP recipient who was referred to JET.
2. The Department indicated that Claimant was noncompliant with appearing at Work First on 7/28/09 and 7/29/09. Furthermore, the Department indicated that

Claimant turned in her job logs late on 7/20/09, 7/27/09 and 7/28/09. The noncompliance was based on Exhibit 3.

3. Claimant testified that she turned in all necessary logs as required.
4. There was no one present from JET to testify at the hearing.
5. Claimant testified that she did not appear at Work First on Wednesday 7/29/09 because her sitter could not get there and Claimant's back up sitter was not available.
6. On 8/14/09, Claimant notified the Department that FIP case would be closed for noncompliance effective 8/24/09. (Exhibit 2).
7. On August 20, 2009, the Department received the Claimant's written hearing request.
8. The record was left open to allow Claimant to provide a copy of the log that she attempted to turn in for 7/28/09. No additional information was provided.

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 (formerly known as the Family Independence Agency) 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 (formerly known as the Family Independence Agency) 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).

Federal and State laws require each work eligible individual in a FIP group to participate in the Jobs, Education and Training (JET) Program or other employment-related activities unless temporarily deferred or engaged in activities that meet participation requirements. PEM 230A. All work eligible individuals who fail, without good cause, to participate in employment or self-sufficiency-related activities will be penalized. PEM 233A. Failure to appear at a JET program results in noncompliance. Id.

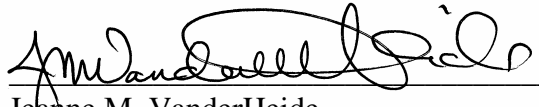
In the present case, the Department provided information that Claimant did not turn in job logs on 7/20/09 or 7/27/09. Claimant testified that she completed a job log for these days. Claimant testified that she turned in job logs from 7/20/09-7/24/09 all on Friday and that it was received by another person who does the GED training. Claimant also testified that she had additional logs at home that she had prepared to turn in. The Administrative Law Judge left the record open to give Claimant an opportunity to submit the job logs that she said she had at home. No additional information was submitted. The Department also indicated that Claimant was absent on 7/28/09 and 7/29/09. Claimant indicated that on 7/29/09 her babysitter was not available and the back up sitter was unable to get to her house. Finally, the Department indicated that at the triage, Claimant indicated that she had turned in job logs late in the past and that she did not understand the rules due to poor reading skills

The numerous missed dates/assignments and multiple excuses do not lend credibility to Claimant's testimony. Accordingly, based upon the foregoing facts and relevant law, it is found that the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's determination is upheld as Claimant was not compliant with the JET program requirements and did not provide good cause.

Accordingly, it is ORDERED that the Department's negative action and case closure effective 10/1/09 for noncompliance for missing Work First is AFFIRMED.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/08/09

Date Mailed: 12/11/09

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 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.

JV/dj

cc:

