

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. 2009-4448

Issue No. 1005

Case No. [REDACTED]

Load No. [REDACTED]

Hearing Date:

January 21, 2009

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on January 21, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly close the Claimant's Family Independence Program (FIP)?

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 is a FIP recipient.
2. On June 27, 2008, the Department listed the Claimant as being noncompliant with Jobs, Education and Training (JET) for nonattendance.
3. The Department closed the Claimant's FIP due to noncompliance.

4. On October 2, 2008, the Claimant filed a request for a 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 (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).

In the instant case, the Department found the Claimant in noncompliance with JET for nonattendance. Claimant testified that she was incarcerated from [REDACTED], through [REDACTED], and from [REDACTED], through [REDACTED]. The Department verifies that the Claimant has provided documentation to show this incarceration. The Department found that the Claimant had good cause for failure to attend JET.

The Department testified that it sent the Claimant a notice to go back to JET on July 14, 2008, but cannot produce a copy of the notice and cannot testify as to what address it was sent. The Department closed the Claimant's FIP for failure to go back to JET on July 14, 2008.

The Claimant testified that she never received such a notice. There being insufficient evidence to show proper notification of the JET appointment, the Department erred in finding the Claimant in noncompliance. This ALJ cannot find the Claimant was notified of the July 14, 2008, appointment.

Without notice, there was no referral to JET and thus no noncompliance.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to retroactively reinstate the Claimant's FIP.

/s/ _____
Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 23, 2009

Date Mailed: March 2, 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.

MJB

cc:

