

[REDACTED]

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.: 2009-4499
Issue No.: 1013
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
December 17, 2008
St. Clair 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, an in person hearing was held on November 26, 2008. 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. The Claimant was an active FIP recipient.
2. On September 18, 2008, the Department was notified that [REDACTED], the Claimant's husband and FIP group member, had been terminated from his full time employment.

3. On October 28, 2008, the Department conducted a triage with the Claimant and her husband, after being informed that [REDACTED] had been terminated for failing a drug test. Claimant applied for FIP.
4. On October 28, 2008, the Department found no good cause for [REDACTED] termination. (Department exhibit 6).
5. On November 5, 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 Claimant's termination from employment is covered by Department policy. Department policy indicates:

REFUSING SUITABLE EMPLOYMENT.

Refusing suitable employment means doing **any** of the following:

Voluntarily reducing hours or otherwise reducing earnings.
Quitting a job (see exception below).

Exception: This does NOT apply if:

The MWA verifies the client changed jobs or reduced hours in order to participate in an MWA approved education and training program.

A teen parent or dependent child quits a seasonal job to return to a high school or GED program.

Firing for misconduct or absenteeism (not for incompetence). (233A, p.3).

In the instant case, the Claimant was fired for failing a drug test.

I find that the Department was correct in closing the Claimant's FIP.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's action in the instant case.

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

Date Signed: 03/19/09

Date Mailed: 03/20/09

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 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/jlg

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