

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: 2009-8841
Issue No: 1038; 3028
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 21, 2009
Ionia County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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, an in-person hearing was held on April 21, 2009. Claimant was represented by [REDACTED].

ISSUE

Whether the Department of Human Services (department) acted in compliance with department policy when it determined claimant's Family Independence Program (FIP benefits)?

FINDINGS OF FACT

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

(1) During November and December 2008, claimant was a mandatory JET/Work First participant. November 5, 2008, the JET/WF case manager sent claimant a notice stating claimant was required to complete 20 hours of activity each week to be turned in no later than

the following Monday at 10 AM. The letter scheduled an appointment for November 10, 2008. November 7, 2008, the JET/WF case manager sent claimant a letter stating that she should come to WF no later than 11/12/08 and needed to be reassigned to a different activity as job search hours could no longer be counted as of 11/9/08. Department A. One or more telephone discussions also took place during the time at issue where claimant was provided with other instructions regarding volunteering at the animal shelter and other issues.

(2) Claimant did not meet participation requirements for weeks November 9, November 16, and November 30, 2008. A TRIAGE meeting was scheduled to discuss good cause for non-participation. Claimant did not attend. Department A.

(3) The department initiated termination of claimant's benefits due to required JET/Work First sanction. Department A. A letter to initiate a 3 month sanction was issued; however, a 12 month sanction was required by policy.

CONSLUSIONS 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).

In this case, claimant was a mandatory participant in the JET/Work First program, but failed to participate as required. A preponderance of the evidence indicates that claimant's intent was to not participate as required. However, the department did not send clearly stated notices to claimant as to what exactly was required. As such, regardless of claimant's apparent intention of non-participation, the department's action can not be upheld. Finding of Fact 1-3; Program Eligibility Manual (PEM) 230A, 233A.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services acted in compliance with department policy. Accordingly, the department's action is **HEREBY REVERSED**.

/s/

Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 24, 2009

Date Mailed: September 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 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.

JAB/db

cc:

