

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: 2010-17088  
Issue No: 1038, 3029  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
March 30, 2010  
Berrien 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 . 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 January, 2010?

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 recipient and a mandatory Work First (WF) when the department received a Welfare Reform Training/Service Activity Form on January 4, 2010 from WF staff stating that she has been assigned to triage. (Department's Exhibit 1).

2. On January 7, 2010 department mailed the claimant a Notice of Noncompliance telling her of the triage appointment for January 20, 2010 due to her alleged failure to participate in required activity. (Department's Exhibits 2 and 3).

3. Update/View Case Notes from WF staff indicate that the claimant provided job logs which were reviewed on December 30, 2009. This review found that the claimant stated she had applied for a job at [REDACTED] in [REDACTED] in person, but this business closed on October 20, 2009, and the telephone number provided on the job log was a non-working number. (Department's Exhibit 4).

4. WF staff have received an e-mail on December 2, 2009 titled "[REDACTED] [REDACTED]", and this is how WF staff easily noticed this business on claimant's log as being a false listing. (Department's Exhibit 7).

5. Job Readiness Log completed by the claimant lists [REDACTED], a telephone number, and that she applied for a position of a cook there. (Department's Exhibit 6).

6. Claimant had signed MW forms on December 15, 2009, including My Contract with Michigan Works!, JET Orientation Rules and Expectations, Job Search Activities, Job Search Guidelines and Check-In Schedule saying "Any falsification of job search logs will result in immediate assignment to triage" in bold letters, and Code of Conduct. (Department's Exhibits 8-12).

7. Claimant was assigned to triage immediately as the above quoted form specifies will be done if any falsification of job search logs is found. At triage claimant at first stated that she wrote down the wrong [REDACTED], but then changed her story and stated that she meant to write down a "Quiz Test" that she took. No good cause was found for claimant's WF non-compliance.

8. Department took action to terminate claimant's FIP benefits and sanction her FAP benefits effective February 1, 2010. Claimant requested a hearing on January 20, 2010 and continues to receive FIP and FAP 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

That the claimant was mandatory WF participant is not in dispute. BEM 230A. Claimant also does not dispute that she was required to participate in employment-related activities as assigned by WF staff. Departmental policy states that any time a mandatory WF participant fails to complete assigned activities without good cause, they are subject to penalties/sanctions. BEM 233A.

Claimant testified that she made a mistake on the job log, she meant that she took a quiz, not that she applied for a job at [REDACTED] that had been closed since October, 2009.

Administrative Law Judge pointed out to the claimant that she had wrote "Sub", telephone number, that she was applying for a position of a cook and that she applied by "walk-in", so it seemed peculiar that she would write such information down for a quiz test. Claimant then responded that she was going through personal problems and was confused, her son had been threatened by his father and son's school had to close for the day, and she also had a death in her family. DHS staff member then stated that she works at a school part time and she does remember a threat against a boy there at the beginning of December, 2009 resulting in school closing on a Friday. While physical threats against claimant's son and her concern for his safety would be understandable and possible excuse for her not completing WF assignments while this occurred, claimant completed the job log in question for dates of December 21 through December 23, 2009, and listed 10 business she applied for jobs in person and 11<sup>th</sup> she applied for on Target website. The 12<sup>th</sup> listing on the job log was for [REDACTED], entry that turned out to be falsified. Therefore, it does not appear that the claimant was unable to complete majority of her assignment due to any extraordinary issues, and WF and department's conclusion that she indeed falsified her job log is correct.

#### 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 January, 2010.

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: April 6, 2010

Date Mailed: April 7, 2010

**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.

cc:

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