

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: 2010-29309
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 2, 2010
Kent 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 June 2, 2010. Claimant personally appeared and testified.

ISSUE

Did the department properly take action to terminate claimant's Family Independence Program (FIP) benefits in September, 2009?

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 Jobs, Education and Training (JET) participant when JET staff notified the department she had unexcused absences from August 10, 2009 through August 13, 2009, resulting in lack of participation.

2. JET staff notified the department of claimant's lack of participation. On August 31, 2009 department mailed the claimant a Notice of Noncompliance scheduling a triage appointment for September 15, 2009 to discuss claimant's reasons for JET noncompliance.

3. Claimant appeared at the triage appointment and failed to provide documentation of good cause for JET noncompliance. This was claimant's third instance of JET non-compliance, and she could therefore not be given an opportunity to comply and keep receiving FIP benefits.

4. Department took action to terminate claimant's FIP benefits effective October 1, 2009. Claimant requested a hearing on September 21, 2009 and continues to receive FIP benefits pending the outcome of this hearing.

5. Claimant testified at the hearing that she could not participate in JET on the days in question as the father of some of her children keeps them but he had to stay in a hotel due to an electrical fire in his home. Claimant further testified that the children's father could not come to her residence to take care of the children either, as he takes care of his disabled mother, and that she contacted JET staff and told them this.

6. Record was left open until June 12, 2010 for the claimant to provide verification from the hotel where the children's father allegedly stayed and from [REDACTED] who she stated paid for the hotel stay. Department was also to check with JET staff to find out if the claimant indeed called them in August, 2009 to report this incident.

7. On June 18, 2010 department advised that JET staff were contacted and they had no additional information showing that the claimant indeed called in to them in August, 2009 to report not having a babysitter. Furthermore, claimant had failed to provide any additional information as directed in the 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 (RFT).

That the claimant was a mandatory JET participant is not in dispute. BEM 230A. That the claimant is subject to sanctions if she fails to participate in JET activities is also not in dispute. BEM 233A. While the claimant testified that the father of her children was unable to take care of them and this is why she could not attend JET, [REDACTED] provided for the hearing did not indicate that she ever either contacted JET or provided any verification of good cause for her August, 2009 absence from JET. Despite this and claimant's failure to have any type of verification (i.e. hotel and/or [REDACTED] documentation that the father of her children indeed stayed there due to an electrical fire at his residence) for the hearing even though she had since September, 2009 to do so, the Administrative Law Judge gave the claimant additional time to provide such verification. Claimant failed to do so. No good cause for her JET noncompliance can therefore be found.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly took action to terminate claimant's FIP benefits in September, 2009.

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: June 21, 2010

Date Mailed: June 23, 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.

IR/tg

cc:

