

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: 2010-29565
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 1, 2010
St. Clair 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 1, 2010. Claimant personally appeared and testified.

ISSUE

Did the department correctly terminate claimant's Family Independence Program (FIP) benefits in October, 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 and her [REDACTED] were FIP recipients with [REDACTED]. [REDACTED] being a mandatory Jobs, Education and Training (JET) participant.
2. [REDACTED] was assigned to [REDACTED] through the JET program. On September 22, 2009 supervisor at this organization contacted JET staff and advised

that [REDACTED] needs to be removed from the site, as he comes to work late frequently by at least 30 minutes and has constant excuses as to why he should be allowed to leave early every day. (Update/View Case Notes, Department's Exhibits 1a and b).

3. The supervisor also stated that [REDACTED] has requested to change his schedule to suit his own needs on a daily basis, that after he is given his work assignment he sits around and does nothing despite being told repeatedly that he must perform his duties.

4. As [REDACTED] was fired from his assigned JET site, a triage appointment was set for October 1, 2009, this being his 4th triage. [REDACTED] showed up for the triage and stated he does not know why he was fired from community service because he does not remember being late, and that he was almost always on time for work.

5. [REDACTED] also stated that anytime he could not go in, he called and made up his hours, something he was told he could not do as he pleased. No good cause for JET noncompliance was found.

6. Department terminated claimant's FIP benefits on October 20, 2009 and she requested a hearing on November 10, 2009.

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's [REDACTED] was a mandatory JET participant is not in dispute. BEM 230A. Claimant states that her boyfriend did not wish to attend the hearing as he is too upset and gets hostile. Claimant further stated that her boyfriend was told by the JET site that it was all right for him to be late, that at times he had to watch their children, that she had a teacher coming to their house on September 8, 2010, etc. JET notes are quite specific in quoting the [REDACTED] supervisor and what he said of [REDACTED] poor attendance and work attitude. Department's representatives at the hearing also state that JET staff have never had a problem at this particular work site with any other clients. This Administrative Law Judge finds it difficult to believe that [REDACTED] was somehow singled out by the work site supervisor with false information about his attendance and attitude, as she finds no logical reason why this would occur.

In addition, the fact that this is [REDACTED] 4th instance of JET noncompliance cannot also be overlooked. This Administrative Law Judge does not hold someone's past behavior as an indication of their present behavior and evaluates each issue/occurrence on its own merits. However, when a client has been sanctioned 3 times due to their JET noncompliance without good cause and the department alleges this has now happened for the 4th time, a conclusion that a pattern of noncompliance exists and is repeating is logical and credible.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly terminated claimant's FIP benefits in October, 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 8, 2010

Date Mailed: June 8, 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:

