

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: 2010-29674
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 11, 2010
Hillsdale 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 May 11, 2010. Claimant personally appeared and testified.

ISSUE

Did the department correctly take action to terminate claimant's Family Independence Program (FIP) benefits in March, 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 seen by her caseworker on October 27, 2009, and signed a Work and/or Self-Sufficiency Rules for Cash Recipients form on this date explaining that she is a mandatory Jobs, Education and Training (JET) participant and what she is required to do. (Department's Exhibit 5).

2. Claimant was given a Work First/JET Training Appointment Notice on October 27, 2009 and told she must report for JET orientation in November, 2009, which she did.

(Department's Exhibit 4).

3. Claimant was found to be in non-compliance with JET requirements in December, 2009 due to short JET job search logs for December 14, 2009 and no log for December 21, 2009.

Claimant attended a triage meeting on January 6, 2010 and signed a First Noncompliance Letter agreeing she was noncompliant with the JET program without good cause, and also agreeing to comply with all JET activities starting on this date. (Department's Exhibit 8).

4. On March 3, 2010 department mailed the claimant a Notice of Noncompliance that states she failed to comply with JET by having no participation in required activity and having missed appointments/meetings. A triage was scheduled for March 10, 2010.

(Department's Exhibit 9).

5. Update/View Case Notes from JET staff indicates that the claimant failed to turn in logs for January 24, March 1, and March 8, 2010. (Department's Exhibit 11).

6. At the triage meeting claimant stated she had faxed the missing logs to JET staff, but none were received by them. No good cause for claimant's JET noncompliance was found and claimant's FIP case was placed into closure effective March 1, 2010.

7. Claimant requested a hearing on March 19, 2010 saying all her logs are filled out "just not turned in" and that she has had so much happen to her in the past couple of weeks.

Department deleted FIP closure pending the outcome of the hearing.

8. On March 26, 2010 department held a pre-hearing conference with the claimant at which she stated she had faxed the required job logs to the JET office timely, and that she would bring proof of this to the office on March 29, 2010. Claimant did not do so.

9. At the hearing claimant testified that she did provide proof that she faxed required job logs to JET in a timely manner to a departmental manager, [REDACTED], on April 8, 2010. [REDACTED]

[REDACTED] was not in the office on the date of the hearing but was to return the following Monday.

10. On May 20, 2010 the Administrative Law Judge received a fax from [REDACTED], FIM, Hillsdale County DHS, stating he did not receive a fax confirmation from the claimant on April 8 or any other day to verify she had faxed her JET logs to the JET worker.

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. All mandatory JET participants must comply with assignments given to them by JET staff or be subject to possible sanctions. BEM 233A. Claimant was well aware of her responsibility to comply with JET activities as she signed a form informing her of these requirements (see Finding of Fact #1). Claimant also attended JET orientation that informed her of JET requirements (see Finding of Fact #2). Claimant was then found to be in noncompliance with JET program, attended a triage in January, 2010, and signed a form acknowledging that she failed to comply with the program and that she will do so in the future (see Finding of Fact #3). Claimant however failed to do so and admits in her hearing request that she did not fax the logs

to JET staff as she was required to do. Claimant however first claimed at the hearing that she was out of town with her sick grandfather who died on March 1, 2010, but she never reported this to JET staff. Claimant also then claimed at the hearing she did fax the logs to JET staff in a timely manner, and that she provided proof of such fax to [REDACTED], FIM that was not in the office on the date of the hearing. [REDACTED] did subsequently advise that he never received such a fax. Claimant's testimony is therefore not found to be credible, and department's determination that the claimant indeed failed to participate in JET activities as required is found to be 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 in March, 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: May 25, 2010

Date Mailed: May 25, 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:

