

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: 2010-32386
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 17, 2010
Saginaw 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 17, 2010. Claimant personally appeared and testified.

ISSUE

Did the department properly terminate claimant's Family Independence Program (FIP) benefits in April, 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 mandatory Jobs, Education and Training (JET) participant when in March, 2010 she was terminated from this program due to no participation in required activity by missing appointments, not having a signed community service contract, and not providing verification of employment.

2. On March 19, 2010 department mailed the claimant a Notice of Noncompliance scheduling a triage appointment for March 30, 2010 to discuss her reasons for JET noncompliance.

3. Claimant contacted her caseworker on March 23, 2010 and requested a telephone triage, and also stated she had started a job on March 4, 2010. Claimant had reported a new job to JET staff on March 1, 2010 and stated she would not be coming to JET any more. Claimant was previously given a Verification of Employment, DHS-38, form to verify her employment, but never returned such form to JET staff.

4. Another DHS-38 was left for the claimant at DHS office to pick up and have her employer complete. Claimant faxed an incomplete DHS-38 to the department on March 29, 2010, as it was only the first page of the form and completed by her instead of the employer, as the form clearly requires. (Department's Exhibit 4).

5. Furthermore, claimant stated on the DHS-38 that she was working 48 hours per week, 9 am to 5 pm, Monday through Saturday, and getting paid commission only.

6. No good cause was found for claimant's JET noncompliance and department terminated her FIP benefits. Claimant requested a timely hearing.

7. At the hearing claimant testified that she had indeed faxed a complete DHS-38 to the department, all 3 pages, however she did not have the completed form with her on the day of the hearing and claimed she misplaced it. Claimant further testified she had worked up to April 2, 2010, from 8 am to 9 pm, but never received one pay check, and that the father of her second child took care of her children.

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 does not comply with JET activities without good cause is also not in dispute. BEM 233A. Claimant was given DHS-38 to verify her employment. Such form must be completed by an employer and claimant could have possibly been excused from JET participation if she provided the form. Claimant however completed only first page of DHS-38 and faxed it to the department, but claims she faxed all of the pages of the form. Claimant however is unable to provide the remainder of the form at the hearing. Furthermore, claimant completed the DHS-38 by stating she was working from 9 am to 5 pm six days a week. Claimant however testified at the hearing she was working from 8 am to 9 pm every day of the week. Claimant's inability to provide any legitimate verification of her employment in addition to her contradicting testimony as far as hours she was working leads this Administrative Law Judge to conclude that the claimant most likely did not have a job at all or it was for a very short period of time. No other conclusion is possible as claimant failed to provide any evidence to the contrary despite being given ample opportunity by JET staff and the department to do so.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly terminated claimant's FIP benefits in April, 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: 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:

