

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 201043066  
Issue No: 1038  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
August 9, 2010  
Wayne County DHS

**ADMINISTRATIVE LAW JUDGE:** Robert J. Chavez

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 hearing was held on August 9, 2010.

ISSUE

Did the Department of Human Services (DHS) correctly impose a negative case action and three month sanction upon the claimant for noncompliance with work-related activities?

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 in Wayne County.
- (2) Claimant was deferred from JET in August 2009.
- (3) Claimant was never referred back to JET.

- (4) In April 2010, claimant was given a triage in which she was found to not have good cause for not attending JET.
- (5) Claimant's FIP case was sanctioned and closed in June 2010.
- (6) On June 30, 2010, claimant requested a 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 Bridges Reference Manual (BRM).

Under normal circumstances, the undersigned would begin a recitation of the applicable law, and state exactly how it was relevant to the current case. However, these are not normal circumstances; the evidence shows that the claimant was never referred to JET, and therefore, a recitation of the JET policy would not be applicable to the current case. During the course of the hearing, the Department submitted four exhibits; however, none of these shows that claimant was ever referred back to JET. Furthermore, the available evidence shows that, contrary to Department testimony, claimant was deferred from JET in 2009.

Claimant testified that she had been deferred and had never been sent back to JET.

The undersigned asked the Department if it wished to offer any more supporting evidence and was told by the Department that they were satisfied with their case.

Therefore, the Administrative Law Judge rules that the Department has failed to meet their burden of proof in proving that claimant failed to participate with JET activities. No evidence was offered that claimant was ever sent back to JET, and no evidence was offered that claimant had missed classes that she was assigned to. JET case notes stop in 2009, and do not reflect any missed time. The Department did not allege specific dates that the claimant had missed or the number of hours missed; nor were case notes or any testimony offered to show that claimant had been actually noncompliant. The evidence at hand did nothing to address the foundation of the Department's case—that the claimant had not attended JET. For these reasons, the undersigned must hold that the Department has not proven their case.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant was in compliance with the JET program during the time period in question and did not fail to participate with work-related activities.

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to remove all negative actions placed in the claimant's file arising from the current matter, and restore claimant's benefits retroactive

to the date of negative action. Claimant is to be rescheduled for all appropriate work-related activities.



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Robert J. Chavez  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 12/14/10

Date Mailed: 12/20/10

**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.

RJC/dj

cc:

