

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: 2010-2260
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 17, 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 three-way telephone hearing was held on February 17, 2010. Claimant personally appeared and testified from her home telephone.

ISSUE

Did the department correctly 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 when her Jobs, Education and Training (JET) case manager requested a triage on August 24, 2009 due to the claimant missing her JET activity on July 20-24, July 27-29, July 31, August 3-7 and August 10-13, 2009.

2. A triage was held on September 8, 2009 at which the claimant stated that the reason she missed so many days of JET was due to her day care provider quitting. Claimant was not given good cause for her JET noncompliance due to missing so many days and having no verification of her reason for not participating in the program.

3. Claimant also admitted at the triage that she had been informed previously of the need to have a backup day care provider.

4. As this was claimant's second JET noncompliance sanction, department informed her that her FIP case would close for 3 months. The closure was to take effect on September 21, 2009.

5. Claimant requested a hearing on September 16, 2009 and department deleted FIP closure pending the outcome of the hearing.

6. Claimant was scheduled for a hearing on January 27, 2010 but called on this date saying she has strep throat. Hearing was adjourned and rescheduled for February 17, 2010. Claimant called prior to the hearing to say she was having pregnancy complications and could not attend the hearing.

7. Claimant was told she has the choice of participating in the hearing from home by a 3-way telephone connection or providing a statement from the hospital emergency room that she had to be treated on this date for alleged pregnancy complications (as she stated to SOAHR staff she had to go to the hospital for treatment). Claimant then stated she would participate in the hearing and go to her doctor's appointment later.

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 (PAM), the Bridges Eligibility Manual (PEM) and the Program Reference Manual (PRM).

That the claimant was a mandatory JET participant is not in dispute. BEM 230A. As such, claimant was required to participate in any assigned JET activities, or face possible sanctions for non-compliance without good cause. BEM 233A. Claimant's hearing testimony is that she was having health problems, but she does not have any documentation to prove this claim, as is required by departmental policy in order for JET absences to be excused. Claimant further states that her mother was her day care provider but quit, and that she does not trust anyone else to watch her children. Claimant's personal choice of day care providers and her desire to only utilize one person who was not available is also not a good cause reason for JET noncompliance according to departmental policy. Lastly, claimant states she now has an aunt who can babysit. This hearing pertains to claimant's JET noncompliance in July and August, 2009, and no good cause can be found for such noncompliance in what the claimant presented.

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 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: April 19, 2010

Date Mailed: April 19, 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.

cc:

