

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: 2010-29148
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 26, 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 May 26, 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 a FIP recipient and a mandatory Jobs, Education and Training (JET) participant when she was determined not to be compliant with this program at a triage on February 2, 2010. Claimant had stated she had no transportation to JET because her uncle,

whom she reported as her ride earlier, would no longer give her rides. (Department's Exhibits 1a-d).

2. Claimant was given another opportunity to participate in JET as this was her first instance of noncompliance and agreed to do so. Claimant was also specifically advised that she is to call JET and a cab would be sent to pick her up for her participation.

3. Claimant returned to JET site on February 8, 2010, but then failed to show up on February 9, 10 and 11, 2010. JET staff assigned the claimant for triage again on February 12, 2010.

4. At the triage meeting claimant stated that the cab never picked her up and when asked if she had called to request the pick up she stated that she did not need to call as the cab was supposed to pick her up. Claimant also stated she had no minutes on her phone to be able to call, but reported having a driver's license and getting insurance for her car because her uncle, who did lots of side jobs, gave her the money.

5. Claimant was further asked why she did not use some of the money her uncle gave her to buy more minutes for her phone, but did not respond. When told that it made no sense that she was unable to call JET at all in the 2 weeks since she stopped attending, claimant repeated that she has no minutes on her phone.

6. Claimant was told she must have had to go get her cash benefits and to the grocery store, and responded that she has to beg people for rides. JET staff noted that the claimant was able to call friends for rides to the grocery store without allegedly having any minutes on her phone. No good cause was found for claimant's JET noncompliance.

7. Department took action to terminate claimant's FIP benefits on March 4, 2010. Claimant requested a hearing on this date and continues to receive FIP benefits pending the outcome of the 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 Program Reference Manual (RFT).

That the claimant was mandatory JET participant is not in dispute. BEM 230A. Any mandatory JET participant that is in noncompliance with the JET program without good cause is subject to sanctions on their FIP benefits. BEM 233A.

As above-cited JET notes state claimant has several excuses as to why she failed to attend JET. Claimant agreed to do so on February 2, 2010, after the first determination of noncompliance without good cause. Claimant testified that her household had no propane gas for a week in February, 2010, but when asked why she would need to sit in a house with no heat with her child and not be able to attend JET, she did not have a satisfactory answer. Claimant then stated that she had no phone minutes left on her phone and could not call anyone. Hearing testimony reveals that the claimant has a phone with 120 minutes per month paid for by the government. Claimant states the minutes were used up because her family calls her on this phone. This Administrative Law Judge pointed out to the claimant that the phone is provided so

she can use it for important matters such as emergencies and JET compliance in order to keep the FIP grant, her source of support, and that her family should purchase a different phone for her if they wish to call her. It is peculiar that claimant's family calls her but no one is willing to assist her to get to the phone when she needs it to call JET, according to her testimony. Claimant's uncle lives in the same house with her and she states that her mother also lives in town. It is difficult to believe that the claimant was house bound with no ability to communicate with anyone and therefore unable to report to JET site or at least call this site. Department therefore properly found no good cause for claimant's failure to participate in JET activities.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly took action to terminate claimant's FIP grant 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: 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

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