

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.: 2010-38084  
Issue No.: 1005  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
June 30, 2010  
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on June 30, 2010. The Claimant appeared at the hearing and testified. [REDACTED] appeared on behalf of the Department and testified along with [REDACTED] of Work First.

ISSUE

Did the Department properly close Claimant's Family Independence Program ("FIP") benefits and reduce her Food Assistance Program benefits for non-compliance with the Work First/Jobs Education and Training ("JET") program?

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 recipient of FIP benefits and was assigned to JET.
2. On April 30, 2010 Claimant's case was assigned to triage due to excess absences.

3. On May 5, 2010 notice of noncompliance was sent to Claimant with notice of a triage meeting scheduled for May 13, 2010.
4. Claimant failed to appear at the triage meeting on May 13, 2010.
5. Claimant did not receive notice of the triage meeting.
6. On May 14, 2010 notice of case action was sent to Claimant informing her that her FIP benefits were closing and that her FAP benefits were decreasing to \$367 because Claimant was removed from the household due to penalty.
7. Claimant requested a hearing contesting the closure of FIP benefits and reduction of FAP benefits on June 4, 2010.

#### 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 Dependant 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 (PRM).

The Family Independence Program (FIP) provides temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency-related activities so they can become self-supporting. Federal and State laws require each work eligible individual (WEI) in the FIP group to participate in the Jobs, Education and Training (JET) Program or other employment-related activities unless temporarily deferred or engaged in activities that meet participation requirements. These clients must participate in

employment and/or self-sufficiency related activities to increase their employability and obtain stable employment. BEM 230A.

JET is a program administered by the Michigan Department of Labor and Economic Growth (DLEG) through the Michigan Works Agencies (MWAs). The JET program serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. BEM 230 A. A mandatory participant in the JET program who fails without good cause to participate in employment activity must be penalized. BEM 233(a). The penalty for the first occurrence of noncompliance in the JET program is a closure for a minimum of three calendar months under the FIP program. BEM 233(a). Good cause is a valid reason for noncompliance with employment related activities. A claim of good cause must be verified and documented for applicants, members, and recipients. BEM Manual Item 230(a), BEM Manual Item 230(b); 7 CFR Parts 272 and 273.

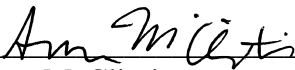
The Food Assistance Program, formerly known as the Food Stamp (“FS”) program, is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (“CFR”). The Department of Human Services (“DHS”), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Program Reference Manual (“PRM”).

In the present case, Claimant credibly testified that she did not receive notice of the triage meeting and that is why she did not appear for the meeting. Claimant testified that she regularly receives mail from the Department and has not had problems in the past. This Administrative Law Judge cannot find that Claimant refused to cooperate or failed to make a reasonable effort to

participate with JET without good cause. Claimant had good cause for not appearing at the triage meeting because she did not receive notice of the meeting. Accordingly, the Department's closure of FIP benefits and reduction of FAP benefits were improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the closure of FIP benefits and in reducing FAP benefits and it is ORDERED that the Department's decision in this regard be and is hereby REVERSED. Claimant's FIP and FAP benefits shall be reinstated as of the date of closure for FIP benefits and reduction for FAP benefits. A new triage meeting shall be scheduled and held in this matter.

  
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Aaron McClintic  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 07/09/2010  
Date Mailed: 07/09/2010

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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

AM/cjp

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