

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

IN THE MATTER OF:



Reg. No: 201044435

Issue No: 1038

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 27, 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 September 27, 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 allegedly stopped attending JET during the month of May 2010.
- (3) No evidence was submitted to document this allegation.

- (4) No evidence was submitted that showed the exact days that the claimant allegedly did not attend JET.
- (5) Claimant testified that she had missed some days of JET, but was told by JET officials that these days would be excused.
- (6) No evidence was offered to rebut claimant's testimony.
- (7) Claimant's FIP case was sanctioned on July 20, 2010, after a proper triage.
- (8) On July 20, 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. During the course of the hearing, the Department submitted seven exhibits; however, none of these exhibits list at any time what dates claimant had been non-participatory, or specifically state how many hours claimant missed which led her to be deemed non-participatory. There is no evidence that

claimant failed to meet her hour requirements, other than a vague note that claimant had “bad attendance”.

Furthermore, claimant testified that while she had missed some classes, these absences had been cleared by JET officials. No evidence was offered to rebut this testimony.

The undersigned asked the Department if it wished to offer any more supporting evidence and was told by the Department that they were unfamiliar with the details of the case, and had no first hand knowledge of the case at hand. At no time was testimony offered from JET officials or any other individual involved in the case with first hand knowledge of the events.

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 had failed to participate with JET, other than a notice of noncompliance. 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.



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

Date Signed: 10/06/10

Date Mailed: 10/07/10

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:

