

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: 2010-51653
Issue No: 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 20, 2010
Berrien 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 October 20, 2010. Claimant personally appeared and testified. Present for the department was departmental staff in addition to two JET Career Developers.

ISSUE

Did the department correctly take action to terminate claimant's Family Independence Program (FIP) and reduce her Food Assistance Program (FAP) benefits in August, 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 Work First (WF) participant.

2. Claimant submitted several on line job applications on her job logs and only 8 online applications are allowed. Claimant also listed 13 online applications for the week ending July 23, 2010 and also listed several online applications for the week ending July 19, 2010.

3. These actions on claimant's part were considered a violation of Jobs, Education and Training (JET) contract she had read and signed. WF/JET then notified the department that the claimant was not in compliance with the program.

4. Department scheduled a triage appointment on August 18, 2010. Claimant was not given good cause for JET noncompliance at the triage, and department took action to terminate her FIP benefits and reduce her FAP benefits effective September 1, 2010. Claimant requested a hearing on August 24, 2010 and department deleted FIP and FAP negative action pending the outcome of this hearing.

5. Claimant had signed [REDACTED], indicating that she had read it and that she is agreeing to comply with the listed requirements. (Department's Exhibit #17).

6. Claimant had also signed JET Orientation Rules and Expectations on August 17, 2009. This form states that participants will be expected to perform 10 or more hours of community service per week starting on the third week of JET participation. (Department's Exhibit #18).

7. Claimant also signed Job Search Guidelines and Check-In Schedule on August 17, 2009. This form states in capital letters "JOB SEARCH LOGS MUST NOT CONTAIN MORE THAN 8 ONLINE APPLICATIONS OR 2 FOLLOW-UPS PER WEEK. Online applications include [REDACTED] postings, emails, mailings, faxes and actual online applications." (Department's Exhibit #20).

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).

The Food Assistance Program (FAP) (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 or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (RFT).

Departmental policy requires that all non-deferred FIP recipients must participate in WF/JET. BEM 230A. If a mandatory WF/JET participant fails to participate in assigned activities, they are subject to sanctions. BEM 233A. In claimant's case, documentation provided by the department establishes that she was made well-aware of what she had to do in order to comply with job search requirements. Claimant signed several forms that explain in detail her obligations under the JET program. Claimant does not dispute that her job search logs contained excessive online applications. Claimant also did not complete community service participation hours even though by doing so she could have met her weekly JET participation hours when

combined with her job search hours. Claimant's testimony is that she did everything she was supposed to, which is not accurate as department's documentation clearly shows. Department therefore correctly found no good cause for claimant's JET noncompliance.

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 and reduce her FAP benefits in August, 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: October 28, 2010

Date Mailed: October 29, 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.

2010-51633/IR

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cc:

