

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: 2010-7533
Issue No: 1012; 3015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 14, 2010
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 January 14, 2010. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly determine that claimant had no good cause of her failure to attend Work First activities and propose to cancel claimant's benefits?

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 Family Independence Program (FIP) and Food Assistance Program (FAP) benefit recipient.

(2) On August 31, 2009, claimant failed to participate in an employment-related activity. The Michigan Works worker contacted the Department of Human Services worker by e-mail. A triage was scheduled for September 17, 2009 and a DHS-2444 was sent via Central Print.

(3) On September 17, 2009, a triage was held and no cause was found and the claimant was offered a DHS-754 and accepted.

(4) On September 29, 2009, the DHS worker e-mailed the JET worker and verified that claimant did not complete the requirements of the DHS-754.

(5) On October 5, 2009, closure was initiated on the case and a DHS-1605, Notice of Case Action, was mailed by Central Print.

(6) On October 15, 2009, a timely hearing request was received in the DHS mailroom.

(7) On November 13, 2009, the worker attempted to reinstate claimant's benefits but there was a data integrity error encountered on Bridges and an emergency help desk ticket was filed.

(8) No one from the department who was present at the hearing could testify as to personal knowledge of what occurred and no one could state what claimant's actions were which constituted her non-compliance.

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

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

In the instant case, no one from the department appeared to testify as to what claimant did which constituted non-compliance. Claimant testified on the record that she was arrested in [REDACTED] and jailed and bonded out the next day because someone gave her name. She came to the triage and the department caseworker determined she had no good cause for missing Work First but allowed her to return to Work First. Claimant returned to Work First but was required to go to court for the tickets that she received in [REDACTED].

On August 31, 2009, claimant missed Work First because she had to return to court. Claimant testified that she did talk to her caseworker about not attending Work First. She was not given a good cause excuse for missing Work First to go to court.

Claimant provided documentation that she did indeed have to go to court and, therefore, this Administrative Law Judge finds that claimant had good cause for her failure to attend Work First. Since there was no one from the department who was able to testify as to the department's actions, this Administrative Law Judge must reverse the decision of the department.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the department was not in compliance with department policy when it proposed to cancel claimant's Food Assistance Program benefits and Family Independence Program benefits based upon its determination that claimant failed to provide good cause for her failure to attend Work First activities.

Accordingly, the department's decision is REVERSED. The department is ORDERED to reinstate claimant's Family Independence Program and Food Assistance Program benefits from the date of closure. The department shall pay to claimant any benefits to which she would have been entitled and shall notify claimant of her eligibility in writing. The department shall require claimant to return to Work First activities if she is otherwise eligible to do so.

/s/ _____
Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 23, 2010

Date Mailed: February 23, 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.

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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.

LYL/vmc

cc:

