

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-25893  
Issue No.: 1006/2007/ 3008  
Case No. [REDACTED]  
Hearing Date:  
April 20, 2011  
Wayne County DHS

**ADMINISTRATIVE LAW JUDGE:** Michael J. Bennane

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on April 20, 2011. The Claimant appeared and testified.

**ISSUE**

Did the Department properly close the claimant's Medical Assistance (MA), Food Assistance (FAP) and Family Independence Program (FIP)?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

1. The claimant was an ongoing FIP, FAP and MA recipient.
2. On [REDACTED] the department sent the claimant a notice that her FIP was going to close and her FAP was going to be reduced because of noncompliance with Jobs Education and Training (JET). (Department exhibit 4).
3. On [REDACTED] the department closed the claimant's FIP, FAP and MA.

4. On [REDACTED] the claimant filed a request for a hearing.

### **CONCLUSIONS OF LAW**

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 (formerly known as the Family Independence Agency) 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).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 (formerly known as the Family Independence Agency) 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).

### **DEPARTMENT PHILOSOPHY**

#### **FIP**

DHS requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. Our focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate, without good cause.

The goal of the FIP penalty policy is to obtain client compliance with appropriate work and/or self-sufficiency related assignments and to ensure that barriers to such compliance have been identified and removed. The goal is to bring the client into compliance.

Noncompliance may be an indicator of possible disabilities. Consider further exploration of any barriers. (BEM 233A, p. 1).

In the instant case, the department moved to close the claimant's FIP, and FAP because it received notice that the claimant had failed to cooperate with JET.

At the hearing the claimant testified that her partner, [REDACTED], had failed to attend JET after a triage because he had a job interview. The claimant further testified that [REDACTED] had called the department the morning of the day he was to return to JET to notify them he was going for a job interview. She further testified that [REDACTED] had provided proof of said job interview.

### **GOOD CAUSE FOR NONCOMPLIANCE**

**Good cause** is a valid reason for noncompliance with employment and/ or self-sufficiency-related activities that are based on factors that are beyond the control of the noncompliant person. A claim of good cause must be verified and documented for member adds and recipients. Document the good cause determination in Bridges and the FSSP under the Participation and Compliance tab. BEM 233A, p. 3).

In the instant case [REDACTED] attended a triage, called to address his noncompliance with JET. [REDACTED] signed a noncompliance letter stating that he understood the necessity of complying with JET and that he would do so in the future. (department exhibit 8).

[REDACTED] was scheduled to return to JET on [REDACTED]. He did not return.

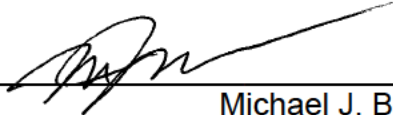
Instead, [REDACTED] called the department on the morning of [REDACTED], to notify them that he was attending a job interview and subsequently provided proof of the said job interview.

This ALJ finds that having a job interview for suitable work is good cause. Here, Dawson provided proof that he was attending a job interview.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to retroactively reinstate the Claimant's FIP, and FAP back to the closure date of March 1, 2011,

and replace any lost benefits if applicable.

  
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Michael J. Bennane  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: June 2, 2011

Date Mailed: June 2, 2011

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 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.

MJB/hw

cc:

[REDACTED]