

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-35571
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: June 27, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 27, 2011. The claimant appeared and testified. [REDACTED] FIM, and [REDACTED] JET specialist, testified on behalf of The Department of Human Services (Department or DHS.)

ISSUE

Was the Department correct in its decision to close Claimant's Family Independence Program (FIP) case and reduce Claimant's Food Assistance Program (FAP) benefits due to noncompliance with employment and/or work-related activities?

FINDINGS OF FACT

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

1. Claimant was an ongoing FIP and FAP recipient.
2. As a recipient of FIP, Claimant was required to participate in employment-related activities.
3. To fulfill this requirement, Claimant was assigned to the Jobs, Education and Training (JET) program.
4. Claimant attended the JET program as assigned.

5. On April 25, 2011, the Department issued a Notice of Noncompliance indicating that Claimant refused employment on March 24, 2011.
6. Claimant did not refuse employment, and in fact worked at [REDACTED]
7. Claimant did not receive the Notice of Noncompliance.
8. The Department held a triage on May 11, 2011 where Claimant did appear, and no good cause was found.
9. The Department closed Claimant's FIP case and decreased Claimant's FAP benefits effective June 1, 2011.
10. Claimant requested a hearing, protesting the negative action.

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"), formerly known as the Family Independence Agency, administers the FIP program pursuant to MCL 400.10, *et seq* and Michigan Administrative Code Rules 400.3101-3131. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

DHS requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. BEM 233A All Work Eligible Individuals ("WEI") are required to participate in the development of a Family Self-Sufficiency Plan ("FSSP") unless good cause exists. BEM 228 As a condition of eligibility, all WEIs must engage in employment and/or self-sufficiency related activities. BEM 233A The WEI is considered non-compliant for failing or refusing to appear and participate with the Jobs, Education, and Training Program ("JET") or other employment service provider. BEM 233A 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. BEM 233A Failure to comply without good cause results in FIP closure. BEM 233A The first and second occurrences of non-compliance results in a 3 month FIP closure. BEM 233A The third occurrence results in a 12 month sanction.

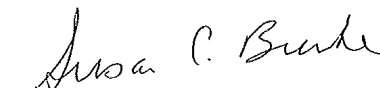
JET participants will not be terminated from a JET program without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A In processing a FIP closure, the Department is required to send the client a

notice of non-compliance, DHS-2444, which must include the date(s) of the non-compliance; the reason the client was determined to be non-compliant; and the penalty duration. BEM 233A In addition, a triage must be held within the negative action period. BEM 233A A good cause determination is made during the triage and prior to the negative action effective date. BEM 233A.

In the present case, on April 24, 2011, the Department issued Claimant a Notice of Noncompliance alleging that Claimant refused employment on March 24, 2011. Claimant testified credibly at the hearing that she did not receive the Notice of Noncompliance, and if she had received it, she would have brought documents to the triage showing that she had worked for [REDACTED] and that she did not refuse employment. Pay stubs show that Claimant worked in January of 2011. Notes from Work First do not show a particular offer of employment for March 24, 2011, but the notes show that Claimant was attempting to contact the Work First worker and DHS regarding health issues. It is noted that no one from Work First testified at the hearing. It is also noted that the Department did not refute Claimant's statement that she had attempted to contact the Department regarding health issues. Based on the above discussion, I am not persuaded by the Department that Claimant refused work, and therefore the Department's decision to close Claimant's FIP case and reduce Claimant's FAP benefits is found to be not correct.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law decides that the Department's decision to close Claimant's FIP case and decrease Claimant's FAP benefits was incorrect, and it is therefore ORDERED that the Department's decision is REVERSED. It is further ORDERED that the Department shall reinstate Claimant's FIP case and restore Claimant's FAP benefits, effective June 1, 2011, if she is otherwise eligible, and all missed or increased payments shall be made in the form of a supplement.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 6/30/11

Date Mailed: 6/30/11

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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.

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