

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201131467
Issue No: 1038;3029
Case No: [REDACTED]
Hearing Date: June 23, 2011
Bay County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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, an in-person hearing was held on June 23, 2011. The claimant appeared and testified.

ISSUE

Was good cause for non-compliance with the Work First Program established?

FINDINGS OF FACT

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

- (1) On December 20, 2010, the DHS terminated the claimant's FIP/FAP based on non-compliance with Work First, per BEM 233 A and B, and the claimant requested a hearing on December 20, 2010.
- (2) On November 12, 2010, the claimant admitted to non-compliance with Work First by not complying with her related 30-hour a week assignment.
- (3) Claimant's 2 week Work First assignment was from October 28, 2010, to November 12, 2010, to participate in 30 hours/week of work-related assignments.
- (4) On October 28, 2010, the claimant was in the hospital for one day.

- (5) On or about November 8, 2010, the claimant verified her stay in the hospital by the attending doctor.
- (6) Work First would not accept the medical verification, and wanted the medical verification for the total 2 week period.
- (7) The claimant had a falling out with the doctor and refused to return to him for the second verification.
- (8) Before the negative case action, the claimant was notified of a scheduled triage meeting which she failed to appear.

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 (BAM), the Program Eligibility Manual (BEM) 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 (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The facts above are undisputed:

Under the FIP program, the DHS requires client's to participate in employment and self-sufficiency-related activities and to accept employment when offered. Our focus is to assist claimants in removing barriers so they can participate in activities that will lead to self-sufficiency. However, there are consequences for a client who refuses to participate, without good cause. BEM 233 A, p.1.

Under the FAP program, the DHS requires participation in employment and/or self-sufficiency-related activities associated with the Family Independence Program. Applicants or recipients of FAP only must accept and maintain employment. There are consequences for a client who refuses to participate in FIP/RAP

employment and/or self-sufficiency related-activities or refuses to accept or maintain employment without good cause. BEM 233 B, p. 1.

Good cause ---- A circumstance which is considered a valid reason for not complying with a requirement. PRG Glossary, p. 15.

Claimant admitted that she did not comply with the 30 hour a week Work First assignment. It was her responsibility to show good cause why she did not comply with her Work First assignment.

Work First gave the claimant an opportunity by medical verification for her to show that she was unable to comply with the Work First assignment. But, she did not. She testified that she had a falling out with the attending doctor and did not want to return to him for the requested verification.

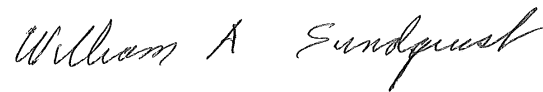
Also, the claimant had the opportunity of attending the triage meeting and failed to appear. The triage may have been helpful for the claimant in getting direction or help in obtaining the required medical verification.

This Administrative Law Judge does not find that it was beyond the claimant's control to have complied with Work First and, therefore, good cause has not been established.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that good cause for non-compliance with Work First was not established.

Accordingly, FIP/FAP termination is UPHELD.



William Sundquist
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 5, 2011

Date Mailed: July 6, 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.

WAS/ar

cc:

