

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201132051  
Issue No.: 1038; 3029  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: June 2, 2011  
DHS County: Wayne County DHS  
(43)

**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 Claimant's request for a hearing. After due notice, a telephone hearing was held on June 2, 2011. Claimant appeared and testified. [REDACTED] and [REDACTED] appeared on behalf of the Department of Human Services (Department or DHS).

**ISSUE**

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

**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 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 did not provide adequate documentation of her job search activities for the week of [REDACTED].

5. A triage with Claimant was held on [REDACTED], where no good cause was shown.
6. On [REDACTED], the Department imposed a negative action on Claimant's FIP and FAP cases.
7. Claimant requested a hearing contesting the negative action.

### **CONCLUSIONS OF LAW**

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 administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Program Reference Manual.

FAP was 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 administers the FAP program pursuant to CML 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, which includes the Reference Tables (RFT).

The Department requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. BEM 230A; BEM 233A. All Work Eligible Individuals (WEIs) 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 JET Program 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 result in a three-month FIP closure. BEM 233A. The third occurrence results in a twelve-month sanction. The goal of The FIP penalty policy is to bring the client into compliance. BEM 233A.

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 Noncompliance (DHS-2444) which must include the date(s) of the

noncompliance; the reason the client was determined to be noncompliant; and the penalty duration. BEM 233A. In addition, a triage must be held within the negative action period. BEM 233A.

In the present case, a triage was held with Claimant after issuance of a Notice of Noncompliance. No good cause was found by the Department for Claimant's failure to report to verify job search activities during the week of [REDACTED]. Claimant reported at the triage that she was not able to get the verification due to the paperwork being in storage. However, as late as the hearing date of [REDACTED] Claimant had not obtained the paperwork from storage. Claimant was not credible in her testimony that she even looked for a job. In addition, medical documentation shows that Claimant reported that she had not worked since [REDACTED]. Claimant offered nothing in her testimony or other evidence that she was compliant with JET during the week of [REDACTED] nor did she offer any explanation as to why good cause should be found for her noncompliance. A medical document with the clearly altered date of [REDACTED] was presented into evidence, but Claimant did not even try to attempt at the hearing to describe who, other than herself, had altered the document. I am not satisfied that Claimant was subjected to "an unplanned event or factor which likely prevents or significantly interferes with employment and/or self-sufficiency-related activities." BEM 233A. Rather, I am convinced that Claimant failed or refused to appear and participate with the JET Program, as evidenced by her lack of participation in the program during the week of [REDACTED].

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision of [REDACTED] to close Claimant's FIP case and decrease Claimant's FAP benefits due to noncompliance with employment and/or work-related activities was correct, and it is therefore ORDERED that the Department's decision is AFFIRMED.

/s/ \_\_\_\_\_  
Susan C. Burke  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: June 8, 2011

Date Mailed: June 8, 2011

2011-32051/SCB

**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.

SCB/ctl

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