

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

[REDACTED]

ADMINISTRATIVE LAW JUDGE: [REDACTED]

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, expedited a telephone hearing was held on [REDACTED]. Claimant personally appeared and testified under oath.

The department was represented by [REDACTED]

Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly sanction claimant's FIP (October 18, 2010) due to claimant's failure to complete her Work First assignment at Civitan [REDACTED] [REDACTED]?

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 and her minor child are former FIP recipients. Claimant's last FIP grant was [REDACTED] per month.
- (2) All able-bodied FIP recipients are required to participate in [REDACTED] as a condition of ongoing FIP eligibility, if they are not otherwise gainfully employed.

- (3) In order for self-employed persons to be excluded from [REDACTED], the self-employed person must have self-employment income equivalent to a [REDACTED].
- (4) On [REDACTED], claimant was assigned to participate in [REDACTED] as a condition of ongoing eligibility for FIP.
- (5) In [REDACTED], claimant was assigned to perform [REDACTED].
- (6) On [REDACTED], the [REDACTED] worker closed claimant's FIP case due to claimant's noncompliance with her [REDACTED]).
- (7) On [REDACTED], claimant attended a triage meeting with the triage worker and [REDACTED] worker.
- (8) On [REDACTED], the triage worker found claimant in non-compliance without good cause for [REDACTED] due to claimant's failure to complete her [REDACTED] hours at [REDACTED].
- (9) On [REDACTED] the [REDACTED] sent claimant [REDACTED] stating that claimant's FIP would be sanctioned for the third time.
- (10) On [REDACTED], claimant filed a timely hearing request. The department deleted the proposed closers of claimant's FIP case, pending the outcome of the hearing.
- (11) Claimant has two previous [REDACTED] sanctions due to non-compliance.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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 following policy outlines the applicable employment requirements for FIP recipient assigned to Work First:

DHS requires clients to participate in employment-related activities and to accept employment when offered. Our focus is to assist clients in removing barriers so that they can participate in activities that lead to self-sufficiency. However, there are consequences for a client who refuses to participate in employment-related activities or refuses to accept employment, without good cause. PEM/BEM 233A.

The record shows that the Triage worker and the JET Coordinator explained the Saginaw County Work First policy to claimant. Claimant is a long standing Work First participant. Current policy requires FIP recipients to participate in the Michigan Works Program as a condition of ongoing eligibility for benefits. Furthermore, in addition to Work First, claimant was assigned to Community Service. PEM/BEM 229, 230A, 230B, 233A and 233B. See also PEM/BEM 220.

The preponderance of the evidence in the record shows that the [REDACTED] workers properly assigned claimant to attend [REDACTED]. The record also shows the claimant failed to complete her [REDACTED] assignment for [REDACTED].

After a careful review of the record, the Administrative Law Judge concludes there is no evidence of arbitrary or capricious actions by the [REDACTED] in sanctioning claimant's FIP case, for a third [REDACTED]. The record clearly shows that the [REDACTED] caseworkers correctly assigned claimant to participate in [REDACTED] and [REDACTED] and to complete her [REDACTED] hours at [REDACTED].

Unfortunately, claimant did not successfully complete her [REDACTED] her [REDACTED].

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the [REDACTED] correctly sanctioned claimant's FIP (third sanction) due to claimant's failure to complete her [REDACTED] assignment at [REDACTED] without good cause, in [REDACTED].

Accordingly, the department's action is hereby, AFFIRMED.

It is so ordered.

/s/

[Redacted signature]

Date Signed: 4/4/11

Date Mailed: 4/4/11

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.

[Redacted text]