

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2013-33024
Issue No: 1038, 3003
Case No: [REDACTED]
Hearing Date: December 13, 2012
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: COREY A. ARENDT

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on April 3, 2013 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUE

Did the Department properly terminate and sanction the Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) benefits for noncompliance with Work First/Jobs, Education and Training (WF/JET) requirements?

FINDINGS OF FACT

I find as material fact, based upon the competent, material and substantial evidence on the whole record:

1. As of December 17, 2012, the Claimant was an active recipient of FIP and FAP benefits.
2. On December 17, 2012, the Claimant enrolled with MWA as a mandatory participant.
3. On December 18, 2012, the Claimant reviewed the MWA job search and community service responsibilities.
4. On January 30, 2013, the Claimant's MWA advisor contacted the Claimant about missing job search hours for the weeks of January 13, 2013 and January 20, 2013. The Claimant told her advisor she was working and would provide paystubs.
5. On February 6, 2013, MWA sent a re-engagement meeting notice. The notice indicated a meeting was to take place on February 13, 2013.

6. On or around February 6, 2013, MWA contacted the Claimant by phone and indicated the missing job search hours for the weeks of January 13, January 20 and January 27. The advisor mentioned the appointment and indicated for the Claimant to bring proof of her employment to the February 13, 2013 meeting.
7. On February 13, 2013, the Claimant met with MWA. The Claimant produced 17 hours of work participation for the weeks of January 27, 2013 and February 3, 2013.
8. On February 13, 2013, MWA requested a triage as the Claimant was still short 103 hours of job search and community service.
9. On February 13, 2013, the Department sent the Claimant a notice of case action and notice of noncompliance. The notice of noncompliance indicated a triage was to take place on February 21, 2013. The notice of case action indicated the Claimant's FAP benefits were being decreased and FIP benefits were closing.
10. On February 21, 2013, the Claimant and the Department participated in a triage. During the triage, the Claimant produced additional pay stubs. The paystubs did not cover the 103 missing hours. Based upon the triage, the Department determined the Claimant did not have good cause for failing to submit the required job search and community service logs.
11. On February 26, 2013, the Claimant requested a hearing.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The FIP was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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.

A Work Eligible Individual (WEI), see BEM 228, who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized.

In this case, the Claimant failed to turn in over 100 hours of job search and community service hours and failed to show proof that she completed those hours as required by the program. Although the Claimant alleged to have worked during the time frame in question and thereby satisfied her hour requirement, the Claimant has failed to provide any proof of that work.

That being said, the Department indicated the Claimant's FAP benefits were not affected by the FIP penalty. However, the documentation provided (notice of case action) indicates otherwise. The Department has failed to show any evidence to the contrary and therefore, I am reversing the Department's actions regarding the FAP reduction.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, I find the Department properly closed and sanctioned the Claimant's FIP case but improperly reduced the Claimant's FAP benefits.

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law, decide that:

1. The Department properly closed and sanctioned the Claimant's FIP benefits for noncompliance with WF/JET requirements but improperly reduced the Claimant's FAP benefits.

Accordingly, the Department's FIP decision is **AFFIRMED** and the Department's FAP decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a redetermination as to the Claimant's eligibility for FAP benefits beginning March 1, 2013 and issue retroactive benefits if otherwise qualified and eligible.



Corey A. Arendt
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 4, 2013

Date Mailed: April 4, 2013

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.

CAA/las

cc:

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