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

IN THE MATTER OF: Reg. No: 2013-42135

Issue No: Case No:

Hearing Date: May 21, 2013

1038

Macomb-12 County DHS

ADMINISTRATIVE LAW JUDGE: COREY A. ARENDT

HEARING DECISION

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on May 21, 2013 from Lansing, Michigan. Participants on behalf of Claimant included and Participants on behalf of the Department of Human Services (Department) included and

<u>ISSUE</u>

Did the Department properly terminat e and sanction the Claimant's Family Independence Program (FIP) benefits for noncompliance with PATH requirements?

FINDINGS OF FACT

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

- As of April, 2013, the Claimant was an active recipient of FIP benefits and participating in a community service program that required logs to be turned in biweekly.
- 2. On April 1, 2013, the Claimant was required to turn in her community service logs for the prior two weeks.
- On April 1, 2013, the Claim ant failed to turn in her community service logs , call PATH or show up at PATH s o PATH forwarded the case to the Department for a triage.
- 4. On April 3, 2013, the D epartment sent the Claimant a notice of case action and notice of noncompliance. The notice of noncompliance indicated a triage was to take place on April 11, 2013 at 9:00 AM. The notice of case action indicated t he Claimant's FIP case was being closed and sanctioned effective May 1, 2013 for failing to participate in employment and/or self-sufficiency-related activities.

- 5. On April 11, 2013, a triage took place in the absence of the Claimant. The Department determined the Claimant did not have go od cause for failing to turn in her community service logs on April 1, 2013.
- 6. On April 23, 2013, the Claimant request ed a hearing to dispute the FIP closure and sanction.
- 7. Between April 1, 2013 and April 23, 2013 the Claimant at no time called the Department to notify them of any problems related to t he receipt of her mail or transportation.
- 8. The Department has no record of the Claimant ever reporting a problem with transportation.
- 9. At the Claimant's PATH orientation, the Department went over with the Claimant how to seek transportation assistance.

CONCLUSIONS OF LAW

Department policies are contained in the Bri dges 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 employ ment and self-sufficiency-related activities and to accept employ ment 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 po licy is to obtain client compliance with appropriate wor k and/or self-sufficiency-related assignment s and to ensure t hat barriers to such compliance have been identified and removed. The goal is to bring the client into compliance.

A Work Eligible Indiv idual (WEI), see <u>BEM 228</u>, w ho fails, wit hout good cause, to participate in employment or self-sufficiency-related activities, must be penalized.

Testimony and other evidence must be we ighed and considered according to its reasonableness.¹ Moreover, the weight and credibi lity of this evidence is generally for

2

¹ Gardiner v Courtright, 165 Mich 54, 62; 130 NW 322 (1911); Dep't of Community Health v Risch, 274 Mich App 365, 372; 733 NW2d 403 (2007).

the fact-finder to determine. ² In evaluating the credibility and weight to be given the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness 's testimony, and the interest, if any, the witness may have in the outcome of the matter.³

I have carefully considered and weighed the testimony and other evidence in the record and find the Depart ment's witness to be more credible than the Claimant as the Department witnesses had a cleare r grasp of the dates, time s and events in question and because the Claimant's testimony was self serving in the absence of any supporting documentation to show either the lack of transportation or the un availability of a telephone to contact the Department with. Additionally, the Claimant alleges to live in the middle of nowhere and to have had no access t o a public phone of any kind, y et the Claimant actually lives in a s mall residential area with many neighbors and access to local high schools and other small business. Therefore, I find the Claimant failed to participate in employment and/or self-sufficiency related activities by failing to turn in her required logs.

Based upon the abov e Findings of Fact and Conclus ions of Law, and for the reasons stated on the record, I find the Depar tment properly closed and s anctioned the Claimant's FIP case.

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.

Accordingly, the Department's FIP decision is **AFFIRMED**

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

Date Signed: May 22, 2013

Date Mailed: May 22, 2013

² Dep't of Community Health, 274 Mich App at 372; People v Terry, 224 Mich App 447, 452; 569 NW2d 641 (1997).

³ People v Wade, 303 Mich 303 (1942), cert den, 318 US 783 (1943).

NOTICE: Administrative Hearings may or der 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 Hear ings will not orde rarehearing 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

CAA/las

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