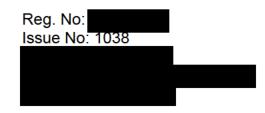
STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:





ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Cla imant's request for a hearing. After due notice, an inperson hearing was held on Claimant's Authorized Hearings Representative and mother, and also appeared and testified.

ISSUE

Did the Department properly close Claimant's Fa mily Independence Program (FIP) benefits?

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 recipient of FIP benefits.
- 2. Claimant submitted a letter on benefits close. requesting that her FIP
- 3. Claimant's FIP benefits closed effective
- 4. Claimant testified that she was under duress at the time she submitted the letter requesting her FIP benefits close.
- 5. Claimant requested a hearing on contesting the closure of FIP benefits.



6. Claimant reapplied for FIP benefits and her benefits we re active as of the date of hearing pending MRT r eview of potential deferral from PATH requirements.

CONCLUSIONS OF LAW

The Family Independence program (FIP) was es tablished pursuant to the Personal Responsibility and Work Opportunity Reconc iliation Act of 1996, P ublic Law 104-193, 8 USC 601, *et seq.* The Department of Human se rvices (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 Ai d to Dependant Children (ADC) program effective October 1, 1996. De partment policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) a nd the Program Referenc e manual (PRM).

The Family Independence Program (FIP support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency-related activit ties so they can become self-supporting. Federal and State laws require each work eligible individua I (WEI) in the FIP group t o participate in the Jobs, Education and Trai ning (JET) Program or other employment - related activities unless te mporarily defer red or engaged in activities t hat meet participation requirements. These clients must participate in employment and/or self-sufficiency related activities to increas e their employabilit y and obtain stable employment. BEM 230A.

JET is a program administered by the Mi Growth (D LEG) through the Michigan Wo serves employers and job seekers for seekers to obtain jobs that provide eco mandatory participant in the JE T program who fails without good cause to participate in employment activity must be penalized. occurrence of noncompliance in the JET program. B EM 233(a). The penalty for the first occurrence of noncompliance in the JET program. B EM 233(a). Good cause is a valid reason for noncompliance wit h employment related activities. A c laim of good cause must be verified and documented for applicants, mem bers, and recipient s. BEM Manual Item 230(a), BEM Manual Item 230(b); 7 CFR Parts 272 and 273.

In the present case, Claimant requested in writing, following a meeting with Department workers and others, that her FIP benefits closed. Claimant and her mother asserted at hearing that Claimant was un der duress and did not under stand the consequences of requesting in writing that her case close. This Admini strative Law Judge finds the Claimant's testimony less than credible. This Adm inistrative Law Judge finds that Claimant's request to close her F IP case was voluntary and intentional and was made with knowledge and understand ing of Department policy. The Department workers present at the meeting testified that Claimant did not appear in duress and was given an opportunity to ask questions at the meeting and demonstrated an understanding of

Department policy. T herefore, it was proper and cor rect for the Department to close Claimant's FIP benefits. BEM 233A.

DECISION AND ORDER

The Administrative Law Judge, based upon t he above findings of fact and conclusion s of law decides that the Department was correct in the closure of Claimant's FIP benefits and it is O RDERED that the Department's decision in this regard be and is hereby **AFFIRMED**.

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McClintic Law Judge Maura Corrigan, Director of Human Services

Date Signed: 02/21/2013

Date Mailed: 02/22/2013

NOTICE: Administrative Hearings may order a rehearing or reconsider ation on either its own motion or at the request of a party within 30 days of the mailing date of this Decis ion and O rder. Administrative Hearings will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration <u>MAY</u> be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical e rror, or other obvious errors in the hearing decision that effect the substantial rights of the claimant,
 - the failure of the ALJ to address other relevant issues in the hearing decision.



Request must be submitted through the local DHS office or directly to MAHS by mail at:

Michigan Administrative Hearings Reconsideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

AM/kl

