

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201314842
Issue No: 1038; 3029
Case No: [REDACTED]
Hearing Date: February 7, 2013
St Clair County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, an in-person hearing was held on Thursday, February 7, 2013. Claimant appeared and provided testimony on her behalf. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUE

Was good cause established for non-compliance with the JET program?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On November 20, 2012 the DHS proposed FIP/FAP termination based on non-compliance with JET.
2. On October 10, 2012 MRT determined claimant could work with limitation; six hours standing/sitting/walking in an eight hour workday.
3. Claimant started JET October 18, 2012.
4. On November 7, 2012 claimant requested another JET deferral based on a new 54E; JET informed the claimant to complete a new medical information form as soon as possible and submit it to the DHS for processing; and that in the meantime she was required to comply with the JET program.
5. On November 15, 2012 claimant was hired by J C Penney.
6. On November 16, 2012 J C Penney terminated claimant's employment based on the new 54E work restrictions.

7. On November 28, 2012 claimant had a triage meeting resulting in a no good cause determination.
8. The JET program requested deferrals on a case-by-case basis. It can place a JET recipient on "house medical leave" where one attends JET but does not participate in the JET activities pending the outcome of the new 54E or requiring the person to continue with the current work of limitation program pending the outcome of the new 54E.

CONCLUSIONS OF LAW

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 Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is 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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 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 Bridges Reference Manual (BRM).

Good Cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that is based on factors that are beyond the control of the noncompliant person. BEM 233 A

DEPARTMENT POLICY

All Programs

Clients have rights and responsibilities as specified in this item.

The local office must do **all** of the following:

- . Determine eligibility.
- . Calculate the level of benefits.
- . Protect client rights. BAM, Item 105, p. 1.

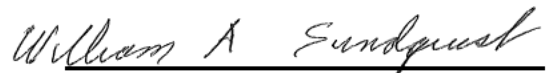
The claimant was entitled to DHS/JET ten day verification notice and an extension if necessary. The objective evidence of record does not establish claimant was notified in compliance with the above policy requirements.

Therefore the claimant has sustained her burden of proof to establish good cause for her JET non-compliance.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that good cause for non-compliance was established.

Accordingly, FIP/FAP proposed termination is **REVERSED** and so ORDERED.



William A. Sundquist
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 9, 2013

Date Mailed: April 9, 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.

WAS/hj

cc:

