

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201322353
Issue No.: 1038, 3029
Case No.: [REDACTED]
Hearing Date: March 5, 2013
County: Eaton County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 March 5, 2013. Claimant and [REDACTED] appeared and testified through an [REDACTED] from the Departemnt.

ISSUE

Did the Department properly sanction Claimant's Refugee Cash Assistance (RCA) for failure to participate in employment and/or self-sufficiency related activities?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of Refugee Cash Assistance benefits.
2. On November 27, 2012, both Claimant and his spouse, Bushra Abdullah, were sent a Work First/Jobs Education and Training Appointment Notice (DHS-4785 form). The notice stated they were required to attend the Work First/Jobs Education and Training Program on December 10, 2012.
3. On December 10, 2012, Claimant arrived to participate in JET. Claimant was not allowed to stay because [REDACTED] did not come with him. Claimant reported that [REDACTED] was at home watching their [REDACTED]. Claimant was instructed to return on December 17, 2012,

that [REDACTED] must come with him, and they would have to find [REDACTED].

4. On December 17, 2012, Claimant and [REDACTED] arrived to participate in JET. They brought one of their [REDACTED] with them. They were not allowed to stay.
5. On December 21, 2012, both Claimant and [REDACTED] were sent a Notice of Non-Compliance (DHS-2444) which scheduled a triage meeting for December 27, 2012. Claimant was also sent a Notice of Case Action (DHS-1605) stating that the Cash Program would close February 1, 2013 and the Food Assistance Program (FAP) benefits would decrease the same day.
6. On December 27, 2012, neither Claimant nor Bushra attended the scheduled triage meeting. The Department determined there was no good cause for Claimant's or [REDACTED] failure to participate in employment and/or self-sufficiency related activities.
7. On January 2, 2013, Claimant submitted a request for hearing.

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, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1997 AACRS R 400.3101-3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1997 AACRS R 400.3001-3015.

Department of Human Services Bridges Eligibility Manual (BEM) 233C Failure To Meet Employment Requirements: RCA (2012) states that "as a condition of eligibility Work Eligible Individuals (WEIs) in the eligible group must work or engage in activities leading to employment. Persons failing to do so are disqualified from the eligible group. Use FIP policy in BEM 228 under Work Eligible Individuals, REQUIRED HOURS OF PARTICIPATION FOR WEIs, and Deferral for Short Term Incapacity in BEM 230A."

Department of Human Services Bridges Eligibility Manual (BEM) 228 Family Automated Screening Tool and Family Self-Sufficiency Plan provides:

REQUIRED HOURS OF PARTICIPATION FOR WEIS

Required hours are the minimum number of hours per week on average the WEI is to participate in work-related activities to meet the federal work participation requirement. Required hours will appear in the Required Hours field on the FSSP for every WEI. Required hours are automatically determined by the group composition each day the FSSP is opened/edited as follows:

Two-Parent Households

In a two-parent family, the required hours apply to the couple as opposed to the individual; however, the entire required hours appear only on the grantee's FSSP. The second adult will show zero required hours.

Exception: A two-parent household is considered a single-parent household when one parent:

- Receives SSI.
- Is needed in the home to care for a child/spouse who is disabled.
- Is disqualified due to alien status.

Combined 35-Hour Requirement

A FIP group containing two WEIs when the group is not active for the Child Development and Care (CDC) Program or CDC payment has not been authorized.

Combined 55-Hour Requirement

A FIP group containing two WEIs when the group is active for the CDC Program and CDC payment has been authorized.

While the JET workers would certainly wish for both Claimant and [REDACTED] to attend orientation, Claimant and [REDACTED] are held accountable separately for compliance with JET. Claimant appeared on his required date and was prepared to meet his JEY participation requirements. There is nothing in Department policy which directs Claimant to be prevented from meeting his requirements because [REDACTED] was not meeting hers. It was incorrect to turn Claimant away on December 10, 2012. Claimant's RCA was not managed in accordance with Department policy so this Departmental action cannot be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department did not properly sanction Claimant's Refugee Cash Assistance and Food Assistance Program (FAP) for failure to participate in employment and/or self-sufficiency related activities.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **REVERSED**.

/s/

Gary F. Heisler
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: March 15, 2013

Date Mailed: March 18, 2013

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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.

GFH/cr

cc:

