

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201326363
Issue No: 1038; 3029
Case No: [REDACTED]
Hearing Date: March 6, 2013
Van Buren 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, a telephone hearing was held on Wednesday; March 6, 2013. Claimant appeared and provided testimony on her behalf with [REDACTED] and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUE

Was good cause established for non-compliance with JET?

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 January 14, 2013 the DHS proposed FIP termination and FICA P reduction from \$ [REDACTED] to \$ [REDACTED] a month based on JET non-compliance per BEM 233 A & B.
2. On December 13, 2012 MRT denied Claimant a JET deferral.
3. On January 2, 2013 claimant was referred to JET.
4. On January 7, 2013 claimant was scheduled for workfirst, his assignment for January 7, 2013- January 11, 2013 was to apply for work and log in his job search on January 11, 2013 with JET; he did not comply with the assignment.
5. On January 9, 2013 claimant went to the hospital ER; the report issued by an R.N. does not list any work/school restrictions. (DHS Exhibit A, Pg. 12).

6. On January 24, 2013 an in-person triage was held with a determination of no good cause.

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).

As a condition of eligibility, all WEIs and non-WEIs must work or engage in employment and/or self-sufficiency-related activities. Noncompliance of applicants, recipients, or member adds means doing any of the following without good cause:

Failing or refusing to:

Appear and participate with the PATH or other employment service provided.

Good cause is a valid reason for noncompliance with employment and/or self-sufficiency-related activities that are based on factors that are beyond the control of the noncompliant person. A claim of good cause must be verified and documented for member adds and recipients. BEM 233 A, Pg. 3.

Claimant testified that after his referral to JET he obtained another medical emergency examination at a hospital that he was unable to work.

Facts above are undisputed.

There is no objective medical evidence of record that the claimant was unable to participate in the JET assignment of applying for work and reporting his job-search at the end of the week with a log-sheet. What the claimant should have done was to comply with the JET assignment and request a JET deferral and obtain a medical evaluation for submission to DHS. This he did not do. ...BEM 233 A, Pg. 1.

Therefore, this ALJ does not find that it was physically beyond the claimant's control to have complied with the JET requirement and, therefore, no good cause. ...BEM 233 A, Pg. 3.

When a recipient of FIP/RCA and FAP is noncompliant the following will occur:

If a participant is active FIP and FAP at the time of FIP noncompliance, determination of FAP good cause on the FIP good cause, reasons outlined in BEM 233 A.

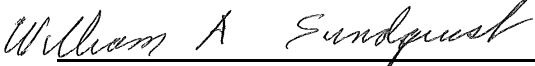
For the FAP determination, if the client does not meet one of the FIP good cause reasons, determined the FAP disqualification on based on FIP deferral criteria only as outlined in BEM 230 A.BEM 233 B.

Therefore, claimant did not have good cause under the FAP program.

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 not established.

Accordingly, proposed FIP termination and FAP reduction is **UPHELD** and so ORDERED.



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

Date Signed: April 5, 2013

Date Mailed: April 5, 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:

