

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

**IN THE MATTER OF:**



Reg. No.: 201320243  
Issue No.: 1038  
Case No.: [REDACTED]  
Hearing Date: February 12, 2013  
County DHS: Wayne (76)

**ADMINISTRATIVE LAW JUDGE:** Susanne E. Harris

**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 February 12, 2013. Claimant appeared and testified. Family Independence Specialist (FIS), [REDACTED], appeared on behalf of the Department.

**ISSUE**

Did the Department properly sanction Claimant's Family Independence Program (FIP) 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 Family Independence Program (FIP) benefits. It was mandatory for Claimant's benefit group to participate in the Michigan Works Agency/Jobs Education and Training Program (JET).
2. The Claimant was required to attend the Work First/Jobs Education and Training Program on December 4, 2012.
3. On December 4, 2012, Claimant did not  attend JET  meet the JET participation requirements.
4. On December 12, 2012, Claimant was sent a Notice of Non-Compliance (DHS-2444) which scheduled a meeting for December 18, 2012.

5. On December 18, 2012, Claimant  did  did not attend the scheduled meeting. The Department determined there was no good cause for Claimant's failure to participate in employment and/or self-sufficiency related activities.
6. On December 12, 2012, Claimant was sent Notice of Case Action (DHS-1605) stating that the  Family Independence Program (FIP) and  Food Assistance Program (FAP) case(s) would be sanctioned.
7. On December 26, 2012, 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 AACS 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 AACS R 400.3001-3015.

At the on-set of the hearing, the Claimant testified that she is no longer protesting the Department's action on her MA case, as it has since been reinstated. In this case, the Notice of Non-compliance indicates that the Claimant was non-compliant on the date the notice was sent. Yet, the hearing summary indicates that the Claimant failed to participate in employment related activities on December 4, 2012. The case notes in evidence indicate that, on December 4, 2012, that the Claimant submitted a resume for building blocks, yet the very next entry indicates that the Claimant was a "no-show" on December 4, 2012. The FIS representing the Department did not compile the case notes and could not, therefore, explain what constituted the Claimant's non-compliance. Furthermore, the Department policy at Bridges Eligibility Manual (BEM) 233A (2012) pp. 8, 9, requires that the Notice of Non-compliance contain the date or dates of actual non-compliance and the reason why it is that the Claimant was determined to be non-compliant. That information is lacking on the Notice of Non-compliance in evidence. Therefore, the evidence presented at the hearing is not sufficient to establish that the Department was acting according to its policy when taking action to close the Claimant's FIP case.

**DECISION AND ORDER**

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

Accordingly, the Department's  FIP and  FAP decision is AFFIRMED  **REVERSED** for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate action to reinstate the Claimant's case back to the closure date.
2. Initiate action to issue the Claimant any supplements that she may thereafter be due.



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Susanne E. Harris  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: 3/22/13

Date Mailed: 3/22/13

**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.

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

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.

- A reconsideration **MAY** be granted for any of the following reasons:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical error, 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

SEH/kl

cc:

