

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: [REDACTED]

Issue No.: 1038, 3029

Case No.: [REDACTED]

Hearing Date: [REDACTED]

County DHS: [REDACTED]

**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 [REDACTED]. Claimant appeared and testified. [REDACTED] represented the Department of Human Services (Department)

**ISSUE**

Did the Department 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?

**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. On [REDACTED], Claimant had an appointment with Work First/Jobs Education and Training Program.
3. On [REDACTED], Claimant did not  attend JET  meet the JET participation requirements.

██████████/SEH

4. On ██████████ Claimant was sent a Notice of Non-Compliance (DHS-2444) which scheduled a meeting for ██████████.
5. On ██████████, 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 ██████████ 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 ██████████ 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.

Claimant asserts (s)he met the participation requirements.

Claimant does not dispute failure to meet JET participation requirements but asserts good cause because her car broke down and she called a taxi cab to take her to Work First/Jobs Education and Training (WF/JET) and the cab was late getting her there. She asserts that she did call her WF/JET worker to let her know that. The Claimant states that she went to WF/JET and turned in her job search logs, she was just late and she did telephone. FIM Wheeler asserts that there were other instances of non-compliance, such as the Claimant's failure to turn in job search logs during the week of ██████████. The Claimant pointed out that those job search logs are in evidence, so she did turn them in to her WF/JET worker, otherwise they wouldn't be in evidence.

The DHS-2444 Notice of Non-compliance gives the Claimant notice that, on ██████████, she missed a required appointment. The case notes in evidence indicate that the appointment missed was on ██████████, and that on

██████████ it was decided that the Claimant would be sent to triage. Bridges Eligibility Manual (BEM) 233A (2012) pp. 8,9, require that the DHS-2444 Notice of Non-compliance contain the actual date or dates of non-compliance as well as the reason the Claimant was determined to be non-compliant. The DHS- 2444 Notice of Non-compliance in this case does not contain the proper date that the Department alleges the Claimant is non-compliant. Instead, the alleged date of non-compliance on the DHS- 2444 is the same date as the DHS-2444 is generated. The DHS- 2444, Notice of Non-compliance alleges that the Claimant missed an appointment and that is why she is non-compliant. However, the Claimant maintains that she did attend the appointment, albeit late and that she telephoned to say she would be late and when she arrived, she did submit job logs. Her statements are supported by the very job logs in evidence.

The Claimant asserts she had good cause to be late as she was having transportation difficulties. BEM 233A, p. 4 provides that no transportation and an unplanned event or factor can constitute good cause for non-compliance if the Claimant requests transportation services before case closure and reasonably priced transportation is not available. The Claimant explained during the hearing that she had never requested bus passes, as she had no reason to believe her car would break down and when it did, she called a tax i cab to take her to WF/JET. The Claimant's testimony in this regard is found to be credible and persuasive, as it is logical and consistent with the job search logs in evidence. Also, FIM Wheeler had no personal knowledge of the events and could therefore, not refute the Claimant's testimony. The Administrative Law Judge finds that the Claimant's car breaking down and her subsequent actions of taking a cab to WF/JET constitute good cause for her appearing late on ██████████ as unplanned event or factor.

Evidence presented at the hearing  is sufficient to establish that the Claimant  is not sufficient to establish that Claimant  met participation requirements  had good cause in accordance with Department policy.

**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) 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 FIP and FAP cases back to the closure date.

2. Issue any supplements that the Claimant may thereafter be due.

*Susanne E. Harris*

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

Date Signed: 02/25/2013

Date Mailed: 02/25/2013

**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. (60 days for FAP cases)

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 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.

[REDACTED]/SEH

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:

[REDACTED]