

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

IN THE MATTER OF:



Reg. No.: 2013-26671
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: March 7, 2013
County: Wayne (82-18)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 three-way telephone hearing was held on March 7, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the above-named Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

Whether the Department properly closed Claimant's case for Family Independence Program (FIP) benefits based on Claimant's failure to participate in employment-related activities without good cause.

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 FIP benefit recipient and was required to participate in employment-related activities.
2. Claimant failed to attend an employment-related activity on January 16, 2013.
3. On January 16, 2013, the Department sent Claimant a Notice of Case Action (Exhibit 1) closing Claimant's FIP case, effective February 1, 2013, based on a failure to participate in employment-related activities without good cause.

4. On January 16, 2013, the Department mailed Claimant a Notice of Noncompliance (Exhibit 2) scheduling Claimant for a triage appointment on January 24, 2013.
5. On January 24, 2013, Claimant attended the triage appointment and the Department found no good cause for Claimant's failure to attend an employment-related activity.
6. On January 28, 2013, Claimant requested a hearing disputing the FIP benefit termination.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

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 1999 AC, Rule 400.3101 through Rule 400.3131. 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 1999 AC, Rule 400.3001 through Rule 400.3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACCS, Rule 400.3151 through Rule 400.3180.

The present case involves a FIP benefit termination, effective February 1, 2013, based on Claimant's failure to attend an employment-related activity on January 16, 2013. Claimant did attend the triage appointment on January 24, 2013; however, the Department testified that it found no good cause for Claimant's failure to attend the employment-related activity.

Federal and state laws require each work eligible individual (WEI) in the FIP group to participate in Partnership.Accountability.Training.Hope. (PATH) or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (January 2013), p. 1. These clients must participate in employment and/or self-sufficiency-related activities to increase their employability and obtain employment. BEM 230A, p. 1. PATH participants will not be terminated from PATH without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A (January 2013), p. 7. Good cause is determined during triage. BEM 233A, p. 7. 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 and must be verified. BEM 233A, p. 3.

In this case, the Department testified that Claimant failed to attend her employment-related activity on January 16, 2013. While Claimant contacted her worker on January 16, 2013, and stated she could not attend her appointment because her sister's car would not start, the Department credibly testified that it had previously informed Claimant that she could obtain transportation in advance and/or on the same day to take her to her scheduled appointment. Furthermore, the Department testified that Claimant also falsified her job search paperwork for the time period of January 7, 2013, to January 11, 2013. The Department testified that Claimant applied for a company that no longer existed because the business was destroyed by a fire.

Claimant left the hearing before it had concluded. Three attempts were made to talk with Claimant at the phone number that she provided. Moreover, a voicemail was left for Claimant to contact the Michigan Administrative Hearing System in Detroit, Michigan, for her hearing to continue. However, Claimant never contacted the Detroit office. Thus, Claimant failed to offer any evidence to counter the Department's testimony.

Based on the forgoing evidence, the Department established that Claimant failed to participate in employment-related activities without good cause. Therefore, the Department acted in accordance with Department policy when it closed Claimant's FIP case. Because this was Claimant's first noncompliance, the Department acted in accordance with Department policy when it closed Claimant's case for a three-month minimum. BEM 233A, pp. 1 and 6.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

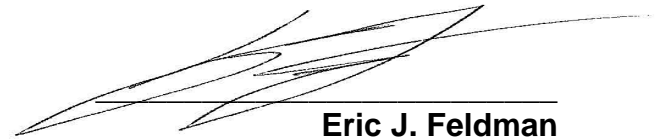
properly denied Claimant's application improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case

for: AMP FIP FAP MA SDA.

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 act properly. did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA decision is AFFIRMED REVERSED for the reasons stated on the record.



Eric J. Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 13, 2013

Date Mailed: March 13, 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.

Request must be submitted through the local DHS office or directly to MAHS by mail at

2013-26671/EJF

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

EJF/pf

cc:

