

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

IN THE MATTER OF:



Reg. No. 2013-28516
Issue No. 1038; 3029
Case No. [REDACTED]
Hearing Date: March 25, 2013
County: Oakland (03)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon Claimant's request for a hearing made pursuant to MCL 400.9 and MCL 400.37, which govern the administrative hearing and appeal process. After due notice, a telephone hearing was held on March 25, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED], PATH Coordinator.

ISSUE

Whether the Department properly closed Claimant's case for benefits under the Family Independence Program (FIP) based on Claimant's failure to participate in employment-related activities.

Whether the Department properly reduced Claimant's Food Assistance Program (FAP) benefits based on Claimant's failure to participate in employment-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 FIP benefits and was required to participate in employment-related activities.
 Claimant was also a recipient of FAP CDC benefits.

2. On January 24, 2013, the Department sent Claimant a Notice of Noncompliance informing Claimant of a failure to participate in employment-related activities and scheduling a triage for February 1, 2013.
3. Claimant participated did not participate in the triage.
4. The Department held the triage and found that Claimant had failed to comply with employment-related activities without good cause did not hold the triage.
5. Claimant did did not participate in employment-related activities.
6. Claimant had did not have good cause to not participate in employment-related activities.
7. On January 24, 2013, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case, and reducing Claimant's FAP benefits, effective March 1, 2013 based on a failure to participate in employment-related activities without good cause.
8. This was Claimant's first second third sanction for failing to comply with JET obligations.
9. On February 1, 2013, Claimant requested a hearing disputing the Department's action.

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 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.

As a condition of eligibility, clients are required to participate in work-related activities. Failure to meet employment or self-sufficiently requirements without good cause may result in client's cases being sanctioned. BEM 233A.

In the present case, Claimant did not dispute that he did not submit, in a timely manner, required information to PATH, for the weeks of December 10, 2012 and December 16, 2012. Claimant stated that his PATH worker was on vacation at the time. However, the PATH representative at the hearing testified credibly that a PATH representative assumed Claimant's PATH worker's responsibilities while the worker was on vacation and informed Claimant of this assumption of duties.

In addition, Claimant stated that although he has no problem looking for a job, he does have problems providing documentation showing that he is looking for a job. However, providing proof of job search is part of the requirement of PATH, and credible testimony was given that this was explained to Claimant. Under these facts, I do not find that Claimant had good cause to not participate in the work-related activities of submitting job search information in a timely manner.

The Department also alleged that this noncompliance was Claimant's second noncompliance, but the Department did not present evidence as to when Claimant was previously in noncompliance. Therefore the sanction affecting this case action shall be removed from Claimant's case.

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 closed Claimant's FIP case. improperly closed Claimant's FIP case.

properly reduced Claimant's FAP benefits improperly reduced Claimant's FAP benefits.

properly closed Claimant's CDC case improperly imposed a sanction on Claimant's case.

DECISION AND ORDER

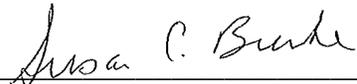
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did act properly in part and did not act properly in part.

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Accordingly, the Department's decision is AFFIRMED in part and REVERSED for the reasons stated on the record.

THE DEPARTMENT SHALL INITIATE WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER, THE FOLLOWING:

Remove the sanction from Claimant's case.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: March 26, 2013

Date Mailed: March 26, 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

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

SCB/tm

cc:

