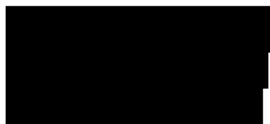


STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**



Reg. No. 2013-28865  
Issue No. 1038; 3029  
Case No. 1 [REDACTED]  
Hearing Date: March 25, 2013  
County: Wayne (18)

**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 Connie Bennett, Case Manager, [REDACTED], JET Coordinator, and [REDACTED], FIM.

**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 benefits.

2. On February 4, 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 14, 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  had  did not have good cause to not participate in employment-related activities.
6. On February 4, 2013, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case,  closing Claimant's CDC case,  reducing Claimant's FAP benefits, effective March 1, 2013 based on a failure to participate in employment-related activities without good cause.
7. On February 11, 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.

Clients must participate in employment-related activities as a condition of receiving benefits. BEM 233A. If clients fail to participate without good cause, sanctions may be imposed.

In the present case, Claimant did not attend a PATH appointment. Claimant testified credibly, however, that she did not receive the appointment notice, so she overcame any presumption of receipt of the notice. Under these facts, I find that Claimant had good cause to not participate in employment-related activities, as she was unaware of a PATH appointment. Therefore, the Department was not correct in imposing sanctions upon 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 closed Claimant's CDC 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.       did not act properly.

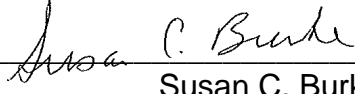
Accordingly, the Department's decision is  AFFIRMED  REVERSED for the reasons stated on the record.

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

1. Remove the sanction from Claimant's FIP and FAP cases.
2. Initiate reinstatement and restoration of Claimant's FIP and FAP benefits, effective March 1, 2013.

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3. Issue FIP and FAP supplements, in accordance with Department policy.

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

Date Signed: March 26, 2013

Date Mailed: March 27, 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.

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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

SCB/tm

cc:

