

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2013-34781
Issue No: 1038
Case No: [REDACTED]
Hearing Date: April 18, 2013
Saginaw County DHS

ADMINISTRATIVE LAW JUDGE: COREY A. ARENDT

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 April 18, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly terminate and sanction the Claimant's Family Independence Program (FIP) benefits for noncompliance with PATH requirements?

FINDINGS OF FACT

I find as material fact based upon the competent, material and substantial evidence on the whole record:

1. Prior to January 18, 2013, the Claimant had sought a deferral from the PATH program.
2. On January 18, 2013, the Medical Review Team (MRT) returned documentation to the Department indicating the Claimant was able to participate in PATH with limitations.
3. On February 7, 2013, the Department sent the Claimant a quick note. The quick note indicated MRT had determined the Claimant could participate in PATH with limitations and to look out for a PATH appointment notice.
4. On February 7, 2013, the Department sent the Claimant a PATH appointment notice. The notice indicated the Claimant was to attend a PATH orientation on February 19, 2013.

5. On February 11, 2013, the Department sent the Claimant additional Medical Needs forms. The Claimant never completed or returned the forms back to the Department.
6. The Claimant never reported to the February 19, 2013 PATH orientation.
7. On February 26, 2013, the Department sent the Claimant a notice of case action and notice of noncompliance. The notice of case action indicated the Claimant's FIP benefits were set to close April 1, 2013 for failure to participate in the assigned PATH orientation. The notice of noncompliance indicated the Claimant had a triage on March 5, 2013.
8. On March 5, 2013, the Claimant failed to attend the triage. The Department conducted the triage in the Claimant's absence and determined the Claimant did not have good cause for failing to participate in the assigned PATH orientation.
9. On March 5, 2013, the Claimant requested a hearing in dispute the closure of her FIP benefits.

CONCLUSIONS OF LAW

The FIP was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The goal of the FIP penalty policy is to obtain client compliance with appropriate work and/or self-sufficiency-related assignments and to ensure that barriers to such compliance have been identified and removed. The goal is to bring the client into compliance.

A Work Eligible Individual (WEI); see BEM 228; who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized.

Clients who are disabled are temporarily deferred from employment-related activities. The Department is to defer persons incapacitated due to injury, physical illness or mental illness. They must verify a reason for deferral only if it is not obvious and the information provided is questionable (unclear, inconsistent or incomplete). BEM 230B.

The client is responsible for providing evidence needed to prove disability or blindness. However, the Department must assist the customer when they need help obtaining it. Such help includes the following:

- Scheduling medical exam appointments
- Paying for medical evidence and medical transportation

The FIS must assign and maintain FSSP activities to ensure continued pursuit of self-sufficiency while gathering verification or assisting clients with obtaining medical verification or testing. If testing assistance is necessary; see BEM 232, Medical Exams, Immunizations and Tests for instructions.

If new medical evidence is not provided, do not send the case back to the Medical Review Team. The previous Medical Review Team decision stands.

Testimony and other evidence must be weighed and considered according to its reasonableness.¹ Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine.² In evaluating the credibility and weight to be given to the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness's testimony, and the interest, if any, the witness may have in the outcome of the matter.³

In this case, the Claimant submitted medical evidence to the Department. The medical evidence submitted covered the conditions the Claimant alleged to be causing her to be unable to participate in PATH. The Department submitted the medical evidence to MRT. After reviewing the Claimant's medical documentation, MRT determined the Claimant was able to participate in PATH. Consequently, the Claimant should have participated in the scheduled orientation and because she did not the Department acted accordingly when they closed the Claimant's FIP case.

Additionally, I found the Department's testimony to be slightly more credible than the Claimant's as the Department witness had a clearer recollection of the dates, times and events in question. And furthermore, the Claimant was lacking evidence to corroborate her claim she was ill during the time periods in question.

Accordingly, I find the Department's actions should be **AFFIRMED**.

¹ *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007).

² *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

³ *People v Wade*, 303 Mich 303 (1942), *cert den*, 318 US 783 (1943).

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law, decide that:

1. The Department properly closed and sanctioned the Claimant's Family Independence Program (FIP) benefits for noncompliance with PATH requirements.

Accordingly, the Department's actions are **AFFIRMED**.



Corey A. Arendt
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 22, 2013

Date Mailed: April 22, 2013

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

2013-34781/CAA

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

CAA/las

cc:

