

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

IN THE MATTER OF:



Reg. No. 2013-39807
Issue No. 1038; 2000; 3000; 5000; 6000
Case No. [REDACTED]
Hearing Date: May 6, 2013
County: Wayne (41)

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 May 6, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED], PATH Specialist.

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 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 recipient of FIP, and was required to participate in employment-related activities.
2. On March 22, 2013, the Department sent Claimant a Notice of Noncompliance informing Claimant of a failure to participate in employment-related activities and setting a triage date of March 28, 2013. (Exhibit 3)
3. On March 22, 2013, the Department sent Claimant a Notice of Case Action closing Claimant's FIP, effective May 1, 2013, due to failure to participate in employment-related activities without good cause. (Exhibit 2)

4. The Department held the triage, with Claimant present, and found no good cause.
5. The Department did not present reengagement letters at the hearing, which letters were a basis for finding no good cause.
6. On April 15, 2013, Claimant filed a hearing request 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 Department requires Work Eligible Individuals (WEI) seeking FIP to participate in employment and self-sufficiency-related activities. BEM 233A. Failing, without good cause, to participate in employment or self-sufficiency-related activities results in the WEI being penalized. *Id.* Good cause is a valid reason for noncompliance that is based on factors that are beyond the control of the noncompliant person. *Id.*

PATH participants will not be terminated from a program without the Department first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. *Id.* Good cause must be based on the best information available at the triage and must be considered even if the client does not attend the triage. *Id.*

In the present case, the Department held the triage and found no good cause for Claimant not participating in work-related activities. Exhibit 1, p. 1 states that "Customer offered no good cause reason for her failure to attend the MWA from late August 2012 to present or for her failure to respond to reengagement letters. She insisted only that she was unaware that she must continue to report to the MWA and she also insisted that she did not receive the reengagement letter. . ." The MWA worker was not at the hearing, and the Department representative did not have a copy of the reengagement letter for this Administrative Law Judge to examine. Without such evidence, it cannot be concluded that the Department was correct in its decision to find no good cause for not participating in work-related activities.

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.

It is also noted that on Claimant's hearing request form, Claimant checked, "Cash," "Medicaid," "Child Development and Care," "Food Assistance" and "SER." However, during the hearing, the Department representative testified credibly that, other than the cash program (FIP), the Department took no negative action with regard to Claimant's benefits or potential benefits under these programs. Claimant did not dispute the Department representative's testimony.

Mich Admin Code, R 400.903 provides in relevant part:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because a claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a Department action resulting in suspension, reduction, discontinuance, or termination of assistance. [R 400.903(1).]

Therefore, Claimant's hearing request regarding benefits under the Medicaid, Child Development and Care, Food Assistance and State Emergency Relief programs is DISMISSED, pursuant to R 400.903.

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 with regard to FIP.

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

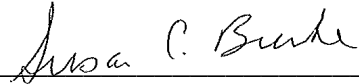
THE DEPARTMENT IS ORDERED TO INITIATE THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Remove the sanction from Claimant's case.
2. Initiate reinstatement of Claimant's FIP case, effective May 1, 2013, if Claimant is otherwise eligible for FIP.

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3. Issue FIP supplements for any payment Claimant was entitled to receive, but did not, in accordance with Department policy.

It is FURTHER ORDERED that Claimant's hearing request regarding benefits under the Medicaid, Child Development and Care, Food Assistance and State Emergency Relief programs is DISMISSED.



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

Date Signed: May 8, 2013

Date Mailed: May 8, 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 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:

