

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No. 2013-42617
Issue No. 1038
Case No. ██████████
Hearing Date: May 20, 2013
County: Wayne (43)

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 20, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included ██████████ Case Manager.

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 20, 2013, the Department issued a PATH Appointment Notice for Claimant to attend on April 1, 2013.
3. Claimant was sick on April 1, 2013, and could not attend the PATH appointment.
4. Claimant submitted medical documentation to one of the Department offices to which she was assigned.

5. On April 8, 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 April 16, 2013.
6. The Department held the triage at one of the Department offices to which Claimant was assigned, but did not have medical information from the other Department office to which Claimant was assigned.
7. Without the information from the other Department office, the Department office that held the triage did not find good cause for Claimant to not attend the PATH appointment, and closed Claimant's case, effective May 1, 2013.
8. On April 18, 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, on March 20, 2013, the Department issued a PATH Appointment Notice for Claimant to attend on April 1, 2013. Claimant was sick on April 1, 2013, and

could not attend the PATH appointment. Claimant submitted medical documentation to one of the Department offices to which she was assigned. On April 8, 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 April 16, 2013. The Department held the triage at one of the offices to which Claimant was assigned, but did not have the information from the other Department office to which Claimant was assigned, that Claimant had been sick on the appointment date of April 1, 2013. Without the information from the other Department office, the Department office that held the triage did not find good cause for Claimant to not attend the PATH appointment and closed Claimant's case, effective May 1, 2013.

I find that Claimant had good cause to not participate in employment-related activities, specifically the PATH appointment of April 1, 2013. Claimant testified credibly that she was sick on April 1, 2013. She eventually went to the hospital, from which she was discharged on April 4, 2013, with a diagnosis of strep throat. At the same time Claimant was sick, she was assigned back and forth to two Department offices. Claimant submitted the medical documentation proving her illness to one of the Department offices, but that office did not hold the triage. The Department office should have submitted the medical information to the Department office that was holding the triage, so good cause could have been found at that time. It appears that Claimant was not getting clear information as to which office was handling her 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.

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.

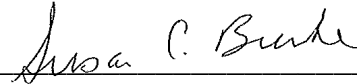
Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT SHALL BEGIN TO INITIATE THE FOLLOWING STEPS WITHIN TEN DAYS OF THE MAILING OF THIS ORDER:

1. Remove the sanction from Claimant's case.

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2. Initiate reinstatement of Claimant's FIP case, effective May 1, 2013, if Claimant is otherwise eligible for FIP.
3. Issue FIP supplements for any payment Claimant was entitled to receive, in accordance with Department policy.



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

Date Signed: May 23, 2013

Date Mailed: May 28, 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: [REDACTED]
[REDACTED]
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