

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

**IN THE MATTER OF:**

[REDACTED]  
Hearing

Reg. No: 2013-44372  
Case No: [REDACTED]  
Issue No: 1038  
Date: May 30, 2013  
County: Berrien

**ADMINISTRATIVE LAW JUDGE:** Vicki L. Armstrong

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received on April 15, 2013. After due notice, a telephone hearing was held on May 30, 2013. Claimant personally appeared and provided testimony. Family Independence Manager [REDACTED], PATH worker [REDACTED], PATH worker [REDACTED] and PATH worker [REDACTED] testified on behalf of the department.

**ISSUE**

Whether the department properly closed Claimant's Family Independence Program (FIP) benefits?

**FINDINGS OF FACT**

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. Claimant was receiving FIP benefits at all times pertinent to this hearing.
2. On March 26, 2013, Claimant was mailed a PATH Appointment Notice, informing Claimant that she had an appointment at 8:45AM on April 1, 2013. The Notice advised that FIP applicants who do not attend the work participation prior to case opening will be denied FIP benefits. (Ex 1).
3. On April 3, 2013, Claimant failed to timely sign in at the Orientation. (Ex 2A).
4. On April 8, 2013, the department mailed Claimant a Notice of Case Action informing her that as of 5/1/13, her FIP benefits would be closed because she failed to participate in self-sufficiency-related activities. (Ex 4-4A).

5. Claimant submitted a hearing request on April 29, 2013, protesting the closure of her FIP benefits. (Request for a Hearing).

### **CONCLUSIONS OF LAW**

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, Rules 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code, Rule 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

The Family Independence Program (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 of Human Services (DHS or 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), Reference Table Manual (RTM), and the Reference Tables Manual (RTM).

Department policy states that Clients must be made aware that public assistance is limited to 48 months to meet their family's needs and they must take personal responsibility to achieve self-sufficiency. This message, along with information on ways to achieve independence, direct support services, non-compliance penalties, and good cause reasons, is initially shared by DHS when the client applies for cash assistance. The work participation program requirements, education and training opportunities, and assessments will be covered by the work participation program when a mandatory work participation program participant is referred at application. BEM 229.

Federal and state laws require each work eligible individual (WEI) in the FIP group to participate in Partnership Accountability Training Hope (PATH) or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. PATH is administered by the Workforce Development Agency, State of Michigan through the Michigan one-stop service centers. PATH serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. PATH case managers use the One-Stop Management Information System (OSMIS) to record the client's assigned activities and participation. BEM 230A (1/1/13).

A Work Eligible Individual (WEI) and non-WEIs who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized. Depending on the case situation, penalties include the following:

- Delay in eligibility at application.
- Ineligibility (denial or termination of FIP with no minimum penalty period).
- Case closure for a minimum of three months for the first episode of noncompliance, six months for the second episode of noncompliance and lifetime closure for the third episode of noncompliance. BEM 233A (1/1/13).

Noncompliance of applicants, recipients, or member adds means doing any of the following without good cause:

- Failing or refusing to:
  - Appear and participate with PATH or other employment service provider.
  - Appear for a scheduled appointment or meeting related to assigned activities. BEM 233A (1/1/13).

Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the noncompliant person. BEM 233A (1/1/13).

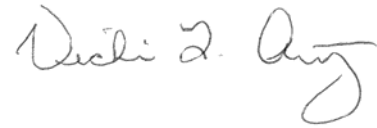
In this case, Claimant testified that she was coming back from being triaged and attended the first day of orientation. When she attended the second day of orientation, she stated she did not sign in because she did not see the sign-in papers. Later, during the hearing, Claimant testified that she forgot about the check-in/sign-in. Claimant then stated when she did attempt to sign-in, she got mad and said a couple of things she should not have said. She testified that she did not attend Triage because she did not receive the notice on time because she was at her mother's and did not check the mail. Claimant admitted that when she was asked to leave the second day of orientation she was told that she would be triaged.

The Administrative Law Judge finds that Claimant did not sign-in, or attempt to sign-in at the mandatory PATH orientation. In addition, Claimant was returning from a sanction and was familiar with the process. Furthermore, Claimant's testimony was contradictory, in that first she testified that she did not see the sign-in papers, and later she testified that she forgot about the sign-in sheets. Based on the material and substantial evidence presented during the hearing, the department properly closed Claimant's FIP benefits for noncompliance for failing to sign-in at the mandatory PATH orientation.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied Claimant's FIP benefits. Accordingly, the department's decision is **UPHELD**.

It is SO ORDERED.



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Vicki L. Armstrong  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: June 17, 2013

Date Mailed: June 17, 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 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  
Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

2013-44372/VLA

VLA/las

cc:

