

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No. 2013-45333
Issue No. 1038
Case No. ██████████
Hearing Date: June 3, 2013
County: Wayne 35

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 June 3, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and Claimant's mother, ██████████. Participants on behalf of Department of Human Services (Department) included Debra Broaden, FIS.

ISSUE

Whether the Department properly denied Claimant's application for the Family Independence Program (FIP) 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 applied for FIP and was required to participate in employment-related activities.
2. On March 29, 2013, the Department sent Claimant a PATH Appointment Notice (Notice) (Exhibit 1), instructing Claimant to attend an appointment on April 8, 2013.
3. Claimant received the Notice on April 8, 2013, after the appointment time of 8:45 a.m., telephoned her Department worker to reschedule, and left a voice message.

4. The Department worker did not return Claimant's phone call.
5. On April 25, 2013, the Department sent Claimant a Notice of Case Action denying Claimant's FIP application due to failing to attend the PATH program orientation. (Exhibit 2)
6. On May 7, 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.*

In the present case, on March 29, 2013, the Department sent Claimant a PATH Appointment Notice (Notice) (Exhibit 1), instructing Claimant to attend an appointment on April 8, 2013. Claimant received the Notice on April 8, 2013, after the appointment time of 8:45 a.m., telephoned her Department worker to reschedule, and left a voice message. The Department worker did not return Claimant's phone call. On April 25, 2013, the Department sent Claimant a Notice of Case Action denying Claimant's FIP application due to failing to attend the PATH program orientation. (Exhibit 2)

The Notice states in part, "If you do not call or appear within 15 days of this notice, your application will be denied." Claimant testified credibly, without dispute from the Department, that she called her Department worker on the date of the appointment, which was within 15 days of the issuance of the Notice. Nevertheless, the Department denied Claimant's application on April 25, 2013.

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Based on the above discussion, I find that Claimant did not fail to participate in employment-related activities, as she attempted to contact her Department worker as soon as she received the appointment Notice.

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 improperly denied Claimant's FIP application.

DECISION AND ORDER

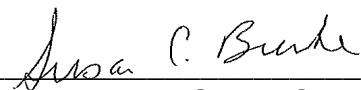
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

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. Initiate reinstatement and reprocessing of Claimant's FIP application of on or about March of 2013.
2. Notify Claimant in writing the Department's determination of Claimant's FIP eligibility.
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: June 5, 2013

Date Mailed: June 6, 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

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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.

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]
[REDACTED]
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