

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

IN THE MATTER OF:



Reg. No.: 201332950
Issue No.: 1038, 3029
Case No.: [REDACTED]
Hearing Date: April 10, 2013
County: St Clair

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 10, 2013. Claimant appeared and testified.

ISSUE

Did the Department properly sanction Claimant's Family Independence Program (FIP) for failure to participate in employment and/or self-sufficiency related activities?

Did the Department properly sanction Claimant's Food Assistance Program (FAP) for failure to participate in employment and/or self-sufficiency 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 was an ongoing recipient of Family Independence Program (FIP) benefits. It was mandatory for Claimant's benefit group to participate in Partnership, Accountability, Training, Hope (PATH).
- (2) On January 2, 2013, Claimant began her PATH participation. This was the only day that Claimant participated.
- (3) On January 9, 2013, Claimant's assigned PATH worker spoke to her by telephone and instructed her to come in to PATH the next day.
- (4) On January 10, 2013, Claimant was given a Non-compliance Warning Notice.
- (5) On January 15, 2013, Claimant called PATH and left a voice message that she was unable to attend because her [REDACTED] was in the [REDACTED]. Claimant was sent a Notice of Non-Compliance (DHS-2444) which scheduled a

meeting for January 23, 2013. Claimant was also sent a Notice of Case Action (DHS-1605) stating that the Family Independence Program (FIP) and Food Assistance Program (FAP) would be sanctioned.

- (6) On January 23, 2013, Claimant attended the scheduled meeting. The Department determined there was no good cause for Claimant's failure to participate in employment and/or self-sufficiency related activities.
- (7) On February 25, 2013, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

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 1997 AACRS R 400.3101-3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1997 AACRS R 400.3001-3015.

In this case Claimant does not dispute her failure to meet PATH participation requirements. Claimant asserts she had good cause because her [REDACTED] was in the [REDACTED]. Claimant raised this issue at the triage meeting. It is noted that Claimant did not meet her participation requirements from January 3-15, 2013. Claimant came in to PATH on January 10, 2013 but made no mention of her [REDACTED] being in the [REDACTED]. Department of Human Services Bridges Eligibility Manual (BEM) 233A (2013) pages 3 & 4, states that any claim of good cause must be documented and verified. Claimant did not present any documentation in support of her good cause claim. The evidence in this record is insufficient to show that Claimant had good cause for her failure to participate in employment and/or self-sufficiency related activities.

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 properly sanctioned Claimant's Family Independence Program (FIP) for failure to participate in employment and/or self-sufficiency related activities.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/
Gary F. Heisler
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 4/16/13

Date Mailed: 4/17/13

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.

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.

GFH/tb

cc:

