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

IN	IHE	MAI	IEK	OF:

	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2013-48589 1005 June 19, 2013 Wayne (82-55)		
ADMINISTRATIVE LAW JUDGE: Michael J.	Bennane			
HEARING DI	ECISION			
This matter is before the undersigned Administration and MCL 400.37 following Claimant's requestelephone hearing was held on June 19, 2013 behalf of Claimant included Claimant Department of Human Services (Department)	est for a hearing. 3, from Detroit, Michi Particip	After due notice, a		
ISSU	<u>E</u>			
Did the Department properly $\square$ deny Claimant's application $\boxtimes$ close Claimant's case for:				
<ul><li>☐ Family Independence Program (FIP)?</li><li>☐ Food Assistance Program (FAP)?</li><li>☐ Medical Assistance (MA)?</li></ul>		sistance (AMP)? Assistance (SDA)? ent and Care (CDC)?		
FINDINGS C	OF FACT			
The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:				
Claimant    □ applied for benefits    □ received benefits for:				
<ul><li>☐ Family Independence Program (FIP).</li><li>☐ Food Assistance Program (FAP).</li><li>☐ Medical Assistance (MA).</li></ul>	State Disability	ssistance (AMP). Assistance (SDA). ent and Care (CDC).		

2.	On May 1, 2013, the Department  denied Claimant's application  closed Claimant's case  due to non-compliance with employment-related activities.
3.	On March 20, 2013, the Department sent  Claimant Claimant's Authorized Representative (AR)  notice of the denial. Closure.
4.	On May 17, 2013, Claimant filed a hearing request, protesting the ☐ denial of the application. ☒ closure of the case.
	CONCLUSIONS OF LAW
	epartment policies are contained in the Bridges Administrative Manual (BAM), the idges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).
Re 42 Ag thr	The Family Independence Program (FIP) was established pursuant to the Personal esponsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence gency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3101 rough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program fective October 1, 1996.

Department policy states:

## FIP

A Work Eligible Individual (WEI) and non-WEIs (except ineligible grantees, clients deferred for lack of child care, and disqualified aliens), see BEM 228, 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 (January 2013).

In the instant case, Claimant was sent a PATH appointment notice for an appointment on March 13, 2013. Claimant failed to attend.

On March 20, 2013, the Department sent Claimant a notice of noncompliance and a triage appointment for March 28, 2013. Claimant failed to attend the triage appointment. At the hearing, Claimant testified that her mail was being sent back to the post office by her landlord. 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 denied Claimant's application improperly denied Claimant's application properly closed Claimant's case improperly closed Claimant's case for:  $\square$  AMP  $\boxtimes$  FIP  $\square$  FAP  $\square$  MA  $\square$  SDA  $\square$  CDC. **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 \times \text{did act properly.} did not act properly. Accordingly, the Department's AMP X FIP FAP MA SDA CDC decision is  $\square$  AFFIRMED  $\square$  REVERSED for the reasons stated on the record.

Michael J. Bennane
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 15, 2013

Date Mailed: July 15, 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 date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> 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 affect the substantial rights of the claimant,
  - 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

## MJB/pf

