

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

IN THE MATTER OF:



Reg. No.: 2013-56451
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: August 5, 2013
County: Wayne (82-17)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 August 5, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case based on a 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 benefits.
2. On May 30, 2013, Claimant's wife submitted medical documentation for determination by the Medical Review Team (MRT) of her eligibility for a deferral from participation in the work participation program based on a disability.
3. On May 30, 2013, the Department sent Claimant a PATH Appointment Notice requiring Claimant's wife to attend a PATH orientation on June 11, 2013, at 12:30 p.m.
4. Claimant did not attend the June 11, 2013, PATH appointment.

5. On June 17, 2013, the Department sent Claimant (i) a Notice of Noncompliance notifying him that his wife had failed to comply with the work participation program and scheduling a triage on June 24, 2013, and (ii) a Notice of Case Action notifying Claimant of the closure of the group's FIP case effective July 1, 2013, based on the wife's noncompliance with employment-related activities without good cause.
6. Claimant's wife attended the triage and explained that she did not attend the June 11, 2013, appointment because she was attending business school Monday through Friday from 9 a.m. to 1 p.m.
7. The Department held the triage, concluded that Claimant's wife did not have good cause for her noncompliance, and closed the group's FIP case.
8. The Department sanctioned Claimant's FIP case with a minimum six-month closure for a second occurrence of noncompliance.
9. On or about June 27, 2013, Claimant filed a request for hearing disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services 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 Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Department sent Claimant a June 17, 2013, Notice of Case Action notifying him that, because of his wife's noncompliance with employment-related activities without good cause, effective July 1, 2013, the group's FIP case would close for a six-month minimum. Although there was also evidence produced at the hearing that Claimant himself was denied a long-term medical deferral from MRT, the Department acknowledged that Claimant's FIP case closed due to his wife's noncompliance and not because of any action, or inaction, by Claimant.

As a condition of continued FIP eligibility, work eligible individuals are required to participate in a work participation program or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (January 1, 2013), p. 1; BEM 233A (January 1, 2013), p. 1. The evidence in this case showed that Claimant's wife had sought a disability-based deferral from participation in PATH activities and submitted a medical packet verifying her disability

on May 30, 2013. For verified disabilities over 90 days, the specialist must submit a completed medical packet and obtain an MRT decision. BEM 230A (January 2013), p. 10. The client is deferred for “establishing incapacity” while awaiting the MRT decision. BEM 230A, p. 10.

In this case, the Department sent Claimant a PATH Appointment Notice on May 30, 2013, requiring that his wife participate in the PATH program orientation on June 11, 2013. Because Claimant’s wife had submitted her MRT packet on May 30, 2013, she should have been deferred for “establishing incapacity.” Therefore, she should not have been referred to the PATH program on June 11, 2013. Accordingly, she was not in noncompliance with the PATH program when she failed to attend the June 11, 2013, program and did not have to provide any good cause explanation for her failure to attend the June 11, 2013, appointment. As such, the Department did not act in accordance with Department policy when it closed Claimant’s FIP case based on its finding that Claimant’s wife had failed to comply with employment-related activities without good cause.

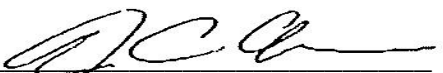
DECISION AND ORDER

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 not act in accordance with Department policy when it closed Claimant’s FIP case.

Accordingly, the Department’s decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Remove the FIP employment-related sanction applied on or about July 1, 2013, from Claimant's wife's record;
2. Reinstate Claimant's FIP case as of July 1, 2013; and
3. Issue supplements to Claimant for any FIP benefits his group was eligible to receive but did not for July 1, 2013, ongoing.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 12, 2013

Date Mailed: August 15, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

ACE/pf

cc:

