

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

IN THE MATTER OF:

██████████
██
██

Reg. No.: 2013-57181
Issue No.: 1038
Case No.: ██████████
Hearing Date: August 8, 2013
County: Macomb (20)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

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 8, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Family Independence Specialist and ██████████ Michigan Works!, PATH (Partnership, Accountability, Training, Hope) Liaison to the Department.

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |

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 benefits received benefits for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. On or about July 8, 2013, the Department
 denied Claimant's application closed Claimant's case
due to a determination that she failed to fulfill the job search requirements of the
PATH (Partnership, Accountability, Training, Hope) program .
3. On June 25, 2013, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On July 8, 2013, Claimant filed a hearing request, protesting the
 denial of the application. closure of the case.

CONCLUSIONS OF LAW

Department policies are contained 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.

Additionally, the issue in this case is whether Claimant fulfilled her job search responsibilities as required in order to receive FIP benefits. Department of Human Services Bridges Eligibility Manual (BEM) 233A (2013).

At the hearing the Claimant gave credible and un rebutted testimony that she fulfilled the forty-hour-per-week job search requirement. Claimant brought her job search logs to the hearing and they were admitted as Exhibit A. The job logs supported Claimant's assertion that she looked for work for forty hours in the week of June 18-24, 2013. Clmt. Exh. A.

Claimant gave credible and un rebutted testimony that she attempted to turn in her logs as required on Monday, June 25, 2013, but the logs were not accepted although they were submitted in a timely fashion.

Claimant gave credible and un rebutted testimony that she never received a Notice of Noncompliance advising her to come to a triage meeting to discuss her noncompliance with the job search program. She also testified that she received a voice mail message from her Specialist requesting that she appear on July 4, 2013. Claimant did not appear for the triage and her FIP benefits were terminated.

The Department testified that Claimant's FIP benefits were terminated as a result of her failure to present job search logs on Monday, June 17, regarding the week of June 10-

16. However, the Michigan Works! witness testified that Claimant was noncompliant for the week of June 18-24, the week *after* the week claimed by the Department as the week of noncompliance. Neither week is stated on the Notice of Noncompliance. Thus the testimony of the two Department witnesses is in conflict, and the official Notice of Noncompliance does not resolve the conflict.

A decision in this case involves weighing the credibility of the witnesses at the hearing. The Claimant's testimony was more consistent in that she testified she did not receive the Noncompliance Notice, and that she would have attended a triage meeting if she had been informed of it. She also brought her logs, which did demonstrate that she had fulfilled the requirements of the PATH program. The Department for its part presented conflicting testimony and an incomplete Noncompliance Notice which failed to specify the dates of noncompliance. This information is required to be in the Notice of Noncompliance. BEM 233A, p. 9.

Having considered all of the evidence in this case in its entirety, it is found and determined that the Department failed to notify Claimant of the charges against her and the date and time of the triage appointment. Even if Claimant had received the Notice of Noncompliance, she would have no way to know in what way she failed to meet the PATH program requirements. This case shall be reversed. *Id.*

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: AMP FIP FAP MA SDA 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
 did act properly. did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT SHALL INITIATE THE FOLLOWING STEPS WITHIN TEN DAYS OF THE MAILING OF THIS ORDER:

1. Reinstate Claimant's FIP benefits.
2. Provide retroactive and ongoing FIP benefits to Claimant at the benefit level to which she is entitled.

3. Delete all penalties and sanctions imposed upon Claimant as a result of the Department's termination of FIP benefits.
4. Reregister Claimant in the PATH program in accordance with her current work status.
5. All steps shall be taken in accordance with Department policy and procedure.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 15, 2013

Date Mailed: August 16, 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.

2013-57181/JL

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

JL/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]