

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

IN THE MATTER OF:



Reg. No.: 201369599
Issue No.:
Case No.:
Hearing Date: October 24, 2013
County: Macomb

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 24, 2013, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included and .

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.
2. On August 20, 2013, the Medical Review Team determined Claimant was work ready with limitations and denied her request for a deferral from PATH participation.
3. On August 22, 2013, Claimant was sent a Partnership, Accountability, Training, Hope (PATH) Appointment Notice (DHS-4785 form). The notice stated that Claimant was required to attend Partnership, Accountability, Training, Hope (PATH) by September 8, 2013.

4. On September 10, 2013, Claimant was sent a Notice of Non-Compliance (DHS-2444) because she had not attended PATH. The notice scheduled a meeting for September 17, 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.
5. On September 17, 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.
6. On September 17, 2013, Claimant submitted a request for hearing.

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, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

Department of Human Services Bridges Eligibility Manual (BEM) 233A Failure to Meet Employment and/or Self-Sufficiency Related Requirements: FIP (2013) and Department of Human Services Bridges Eligibility Manual (BEM) 233B Failure to Meet Employment Requirements: FAP (2013) provide the Department requirements and procedures relevant to this hearing.

Claimant does not dispute the fact that she failed to attend and participate in PATH by the required date. Claimant asserts good cause based on her testimony that she was staying with her mother from July 24, 2013 until September 9, 2013. Claimant also testified that she did not: report a change of address to DHS; have her mail forwarded to her; have anyone check her mail; or contact DHS to keep track of anything she might be required to do. BEM 233A states that good cause is "a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the noncompliant person." It was not beyond Claimant's control to access her own mail.

Evidence presented at the hearing does not establish that Claimant had good cause for failing to attend and participate in PATH. The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it sanctioned Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) for failure to attend and participate in PATH.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

/s/

Gary F. Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 10/25/2013

Date Mailed: 10/28/2013

NOTICE OF APPEAL: 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.

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).

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.

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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

GFH/sw

cc:

