

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

IN THE MATTER OF:



Reg. No.: 201369763
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: October 24, 2013
County: Saginaw

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 October 24, 2013. Claimant appeared and testified. The Department was represented by [REDACTED].

ISSUE

Did the Department properly sanction Claimant's Family Independence Program (FIP) 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 15, 2013, the Medical Review Team denied Claimant's request for deferral from participation in PATH. (Pages 12 -14)
- (3) On August 21, 2013, Claimant was sent a Partnership, Accountability, Training, Hope (PATH) Appointment Notice (DHS-4785 form). (Pages 10 & 11) The notice stated that Claimant was required to attend Partnership, Accountability, Training, Hope (PATH) by September 5, 2013.
- (4) On September 9, 2013, Claimant was sent a Notice of Non-Compliance (DHS-2444) because he had not attended PATH. (Pages 1&2) The notice also 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. (Pages 4-8)

(5) On September 17, 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.

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

Claimant does not dispute the fact he did not attend PATH as directed. Claimant asserts that he has good cause for not attending based on his medical condition and no transportation. Claimant's medical condition has been determined by the Medical Review Team as work ready with limitations. Claimant's ability to perform PATH activities is not a hearable issue. The initial orientation process at PATH includes identifying any limitations Claimant has and identifying what activities he can participate in. The PATH orientation is within the limitations determined by the Medical Review Team.

Claimant also asserted transportation problems. The PATH Appointment Notice (DHS-4785 form) (Page 10) sent to Claimant specifically states:

Support Services: DHS will help you with transportation and child care if needed to attend PATH. Tell your specialist if you need help with transportation or child care right away.

BEM 233A defines good cause as "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. Claimant's ability to contact his specialist regarding transportation problems is not beyond his control. Claimant did not have good cause for his failure to attend PATH.

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: 10/29/2013

Date Mailed: 10/30/2013

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.

201369763/GFH

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:

