

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-536
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: October 24, 2013
County: Wayne (82-35)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 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 for noncompliance with employment-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 FIP benefits.
2. Claimant presented the Department with medical verification that she could not participate in FIP-related employment activities.
3. On an unknown date, the Department notified Claimant that she was noncompliant with employment-related activities and that her FIP case would close for a three-month minimum effective November 1, 2013.

4. At the triage, Claimant established that she had provided medical verification of a disability, and the Department concluded that Claimant had good cause for her noncompliance.
5. On September 20, 2013, Claimant filed a request for hearing disputing the Department's failure to reinstate her FIP case and remove the noncompliance sanction.

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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

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.

Additionally, the Department did not provide a copy of the relevant Notice of Case Action, but at the hearing it explained that Claimant was notified that her FIP case was closing for a three-month minimum effective November 1, 2013, for a failure to comply with FIP-related employment activities. Claimant confirmed that her issue concerned the November 1, 2013, FIP closure and sanction.

The Department testified that, prior to closing Claimant's case, it scheduled a triage. At a triage meeting, the Department and the client must jointly discuss noncompliance and good cause before terminating the client from the PATH program. BEM 233A (January 2013), p. 7. Good cause is a valid reason for noncompliance with employment and/or self-sufficiency-related activities based on factors beyond the control of the noncompliant person. BEM 233A, p. 3. In determining good cause, the Department must consider the best information available during the triage and prior to the negative action date, including any verified information already on file with the Department or the work participation program. BEM 233A, pp. 7-8.

In this case, the Department testified that Claimant established that she had provided medical verification of a disability to the Department establishing her right to a deferral based on incapacity. See BEM 230A (January 2013), pp. 9-11. As a result, the Department found good cause for Claimant's noncompliance. If a client establishes good cause, the Department must reinstate benefits. BEM 233A, p. 10. The Department acknowledged that it failed to act in accordance with Department policy when it failed to reinstate Claimant's FIP case and remove the sanction.

DECISION AND ORDER

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant's FIP case effective November 1, 2013;
2. Issue supplements to Claimant for any FIP benefits she was eligible to receive but did not from November 1, 2013, ongoing;
3. Remove any sanction applied to Claimant's FIP record on or about November 1, 2013, for noncompliance with employment activities; and
4. Change Claimant's FIP participation status as of November 1, 2013, to incapacitated or disabled, as applicable.



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

Date Signed: October 28, 2013

Date Mailed: October 29, 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.

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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:

