

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

**IN THE MATTER OF:**

██████████  
██████████  
██████████

Reg. No.: 2013 59385  
Issue No.: 1038;  
Case No.: ██████████  
Hearing Date: October 31, 2013  
County: Wayne (41)

**ADMINISTRATIVE LAW JUDGE:** Lynn M. Ferris

**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, an in-person hearing was held on October 31, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and Claimant's wife, ██████████. An Interpreter, ██████████ appeared for the Claimant. Mr. ██████████ also appeared as a witness of behalf of the PATH program. Participants on behalf of the Department of Human Services (Department) included ██████████ PATH Specialist, and ██████████ Medical Contact Worker.

**ISSUE**

Did the Department properly close Claimant's Family Independence Program (FIP) case (cash assistance) based on Claimant's wife ██████████ 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 April 24, 2013, the Medical Review Team (MRT) completed its review of Claimant's medical documents in connection with Claimant's request for a deferral from participation in the Jobs, Education, and Training (JET) program and concluded

that Claimant was not disabled and was work-ready with limitations and was capable of participation in the PATH program. Exhibit 1 pp. 4-6.

3. On June 1, 2013, the Department sent Claimant a PATH Participation Program Appointment Notice requiring that she attend the JET orientation on June 12, 2013.
4. On June 12, 2013, Claimant went to the JET program and advised them that she could not participate in the program and again requested a deferral.
5. On July 3, 2013 the Claimant's request for deferral was reviewed by the Department and it was determined that the Claimant was seeking a continuing deferral based on the same medical conditions that had been previously reviewed by the Medical Review Team and rejected the deferral request.
6. On July 10, 2013, the Department sent Claimant a Notice of Noncompliance notifying her of her noncompliance with PATH activities and scheduling a triage on July 10, 2013.
7. On July 10, 2013, the Department held the triage, with Claimant in attendance, and concluded that there was no good cause for Claimant's noncompliance. The Department reviewed additional paper submitted by the Claimant at the triage which cited the same medical conditions already reviewed by the Medical Review Team which found the Claimant work-ready with limitations.
8. The Claimant has since refused to participate in the PATH Program. A notice of case action dated July 10, 2013 closed the Claimant's FIP case effective August 1, 2013 ongoing for a six-month period. This was the Claimant's second noncompliance without good cause.
9. The Department applied a six month sanction to Claimant's FIP case.
10. On July 18, 2013, Claimant filed a hearing request disputing the Department's actions concerning the closure of her FIP case due to noncompliance with the PATH Program.

### **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.

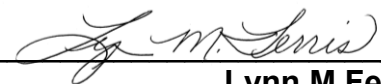
Additionally, the issue to be determined is whether the Department properly closed Claimant's FIP case, applied a six-month sanction to the case for failure to participate in employment-related activities without good cause.

At the hearing, the Department established that, after MRT found that Claimant was not disabled and could participate in the JET program with accommodations and limitations, Claimant was sent to a JET orientation but she did not participate in the program. The Department credibly testified that Claimant did not raise any new medical conditions when she attended the triage but continued to contend that she could not participate in the JET program based on the conditions that had been submitted to MRT. The Department further testified that at the triage a prescription form filled out by the Claimant's doctor reiterated the same medical conditions as previously reviewed by the Medical Review Team and contained in the medical documents submitted and reviewed by the Medical Review Team which found the Claimant work-ready with limitations. Exhibit 8. Because neither Claimant nor the document she submitted identified any new medical evidence or condition not previously addressed by MRT, the Department acted in accordance with Department policy when it found no good cause for Claimant's noncompliance and subsequently closed Claimant's FIP case. BEM 230A (January 1, 2013), p 13; BEM 233A (January 1, 2013), pp 3-5. Because this was Claimant's second incident of noncompliance with FIP-related employment activities, the Department properly applied a six-month sanction to her FIP case, preventing her from receiving FIP for the period between August 1, 2013 through January 31, 2014. BEM 233A, p 6, (January 1, 2013).

### **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 when it closed Claimant's FIP case, applied a 6 month sanction to the FIP case.

Accordingly, the Department's decision is  AFFIRMED  REVERSED for the reasons stated on the record and above.



**Lynn M Ferris**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: November 4, 2013

Date Mailed: November 4, 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.

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

LMF/cl

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