

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

**IN THE MATTER OF:**

██████████  
████████████████████  
████████████████████

Reg. No.: 201364374  
Issue No.: 1038; 3029  
Case No.: ██████████  
Hearing Date: October 30, 2013  
County: Wayne (31)

**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 30, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and ██████████ Claimant's mother. Participants on behalf of the Department of Human Services (Department) included ██████████, Family Independence Specialist.

**ISSUE**

Did the Department properly close Claimant's Family Independence Program (FIP) case and reduce her Food Assistance Program (FAP) benefits for failure to cooperate with 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 and FAP benefits for herself and her two children.
2. On June 1, 2013, the Department sent Claimant a PATH Appointment Notice requiring her to attend a PATH orientation on June 10, 2013.
3. Claimant did not attend the June 10, 2013, PATH orientation.
4. On June 20, 2013, the Department sent Claimant a Notice of Case Action informing her that her FIP case would close effective August 1, 2013, for a three-

month minimum because she had failed, without good cause, to comply with employment related activities.

5. On June 25, 2013, the Department sent Claimant a Notice of Noncompliance informing her that she had failed to comply with employment-related activities and scheduling a triage on July 3, 2013.
6. On June 25, 2013, the Department sent Claimant a Notice of Case Action recertifying her FAP case and approving her for FAP benefits effective July 1, 2013, based on a group size of two. The notice informed Claimant that she was disqualified from the FAP group because of her noncompliance with employment-related activities without good cause.
7. On June 26, 2013, the Department sent Claimant medical forms for her to complete and return by July 11, 2013.
8. The Department held the triage on July 3, 2013, but delayed a good cause determination pending Claimant's return of the medical documents.
9. On July 11, 2013, Claimant returned the medical packet.
10. The Department denied receiving any medical documentation from Claimant and sanctioned Claimant's FIP case for closure for three months and reduced her FAP benefits.
11. On August 12, 2013, Claimant filed a request for hearing disputing the Department's actions concerning her FIP and FAP cases.

### **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.

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.

Additionally, the Department concluded that Claimant had failed to comply with FIP-related employment activities and had no good cause for her noncompliance and closed her FIP case effective August 1, 2013, and reduced her FAP benefits effective July 1, 2013, after removing her as a qualified member of her FAP group.

### **FIP Case Closure**

As a condition of continued FIP eligibility, work eligible individuals are required to participate in a work participation program or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (January 2013), p. 1; BEM 233A (January 2013), p. 1. A client's failure to appear and participate with PATH or other employment service provider constitutes a noncompliance with employment or self-sufficiency related activities. BEM 233A, pp. 1-2.

In this case, Claimant acknowledged that she received the PATH Appointment Notice requiring her to attend the PATH orientation on June 10, 2013, but she did not attend the orientation. This establishes Claimant's noncompliance.

Prior to closing a client's FIP case on the basis of noncompliance with employment-related activities, the Department must schedule a triage meeting for the Department and the client to jointly discuss noncompliance and good cause. 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.

The evidence at the hearing established that Claimant made the Department aware by June 26, 2013, that she did not attend the PATH orientation because she was alleging a disability. In response, and in accordance with Department policy, the Department asked Claimant to provide medical documentation of her disability by July 11, 2013. See BEM 230A, p. 9.

The Department concluded that, because Claimant did not submit any medical documentation, she failed to establish good cause for her noncompliance. At the hearing, Claimant alleged that she did complete the medical forms, submitted them in the drop box on July 11, 2013, and signed the log-in sheet for the drop box. During the hearing, the Department was asked to review the log-in sheet for July 11, 2013. The Department inadvertently brought in the sign-in sheet for July 11, 2013, appointments. However, Claimant's name was on the log, consistent with her testimony that she came into the office on July 11, 2013, and attempted to speak to her worker. Because her

worker was not available, Claimant testified that she then dropped the medical documents in the drop box. The Department's hearing summary reflects that Claimant advised the Department at the prehearing conference that she had submitted her medical packet, but, while the Department stated that a manager checked for returned verifications and did not find Claimant's documents, there was no indication that the Department reviewed the sign-in log for the drop-box to determine whether documents had been submitted.

Based on Claimant's credible testimony that she submitted the medical documents requested by the Department by the due date, the Department did not act in accordance with Department policy when it concluded that Claimant had failed to establish good cause for her noncompliance and closed and sanctioned her FIP case.

### **Reduction in FAP Benefits**

Because Claimant established good cause for her FIP-related employment activities noncompliance, the Department did not act in accordance with Department policy when it designated Claimant as a disqualified member of her FAP group and reduced her FAP benefits based on the reduced FAP group size. BEM 233B (January 2013), p. 2.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it closed Claimant's FIP case and reduced her FAP benefits.

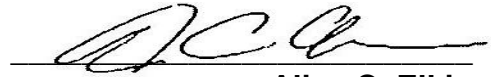
### **DECISION AND ORDER**

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. Remove any FIP- and/or FAP-related employment sanction applied to Claimant's record on or about July 1 to August 1, 2013;
2. Reinstate Claimant's FIP case effective August 1, 2013;
3. Issue supplements to Claimant for any FIP benefits she was eligible to receive but did not from August 1, 2013, ongoing.
4. Recalculate Claimant's FAP benefits from July 1, 2013, ongoing to include Claimant as a qualified member of her FAP group; and

5. Issue supplements to Claimant for any FAP benefits she was eligible to receive but did not from July 1, 2013, ongoing.



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

Date Signed: November 7, 2013

Date Mailed: November 7, 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

ACE/tm

cc:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]