

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

IN THE MATTER OF:

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████████████████████

Reg. No.: 2013-67586
Issue No(s): 1003; 1025; 1038
Case No.: ██████████
Hearing Date: November 6, 2013
County: Oakland (04)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 November 6, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and Claimant's Authorized Hearing Representative, ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████, FIS.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case?

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 a recipient of FIP.
2. On June 26, 2013, the Department issued a Family Automated Screening Tool (FAST) notice to Claimant. (Exhibit 1)
3. Claimant did not receive the FAST notice.
4. The Department issued a Notice of Case Action dated August 22, 2013, informing Claimant that her FIP case would close, effective October 1, 2013 because she or a group member did not comply with employment and/or self-sufficiency-related activities, that Claimant or a group member failed to cooperate in establishing

paternity or securing child support, and that one of the members of Claimant's group was not compliant with school attendance programs

5. Claimant's group cooperated with child support matters and with school attendance programs.
6. Claimant requested a hearing disputing the closure of her case on September 3, 2013.

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.

In the present case, the Department issued a Notice of Case Action dated August 22, 2013, informing Claimant that her FIP case would close, effective October 1, 2013 because she or a group member did not comply with employment-related activities and/or self-sufficiency activities, that Claimant or a group member failed to cooperate in establishing paternity or securing child support, and that one of the members of Claimant's group was not compliant with school attendance programs.

On June 26, 2013, the Department issued a Family Automated Screening Tool (FAST) notice to Claimant. During the hearing, Claimant testified credibly that she did not receive the FAST notice. Claimant had good cause not to participate in employment-related activities and/or self-sufficiency activities, as the fact that she did not receive the FAST notice was beyond her control. See BEM 233A: "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."

As to Claimant failing to cooperate in establishing paternity or securing child support, and as to one of the members of Claimant's group not being compliant with school attendance programs, the Department presented no evidence at the hearing. Claimant testified credibly that she participated with the Office of Child Support and that she had no reason to believe that one of her group members was not compliant with school attendance programs.

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

failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Claimant's FIP case.

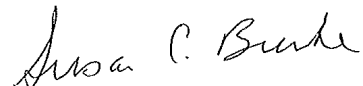
DECISION AND ORDER

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 the employment-related sanction from Claimant's case.
2. Remove the child support sanction from Claimant's case, effective at such time as would allow Claimant's FIP case to be reinstated effective October 1, 2013, engaging the assistance of the Office of Child Support, if necessary.
3. Reinstatement of Claimant's FIP case, effective October 1, 2013.
4. Issue FIP supplements, in accordance with Department policy.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: November 12, 2013

Date Mailed: November 13, 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

SCB/tm

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