

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 20144512  
Issue No(s): 1005, 3008  
Case No.: [REDACTED]  
Hearing Date: November 19, 2013  
County: St. Clair

**ADMINISTRATIVE LAW JUDGE:** Darryl T. Johnson

**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 19, 2013, from Lansing, Michigan. Participants on behalf of Claimant included Claimant's spouse, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Specialist, and [REDACTED], PATH Case Manager, [REDACTED].

**ISSUE**

Did the Department properly close Claimant's Family Independence Program (FIP) and decrease Claimant's Food Assistance Program (FAP) benefits?

**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 on-going recipient of Family Independence Program (FIP) and Food Assistance Program (FAP) benefits.
2. Claimant's spouse was attending classes at [REDACTED] starting May 1, 2013, and as a condition of continuing eligibility, was required to provide bi-weekly verification of her attendance at classes.
3. Claimant and his spouse were part of a "group" for purposes of determining eligibility for various benefits from the Department.

4. Claimant's spouse did not submit verification of her attendance for the two weeks ending September 13, 2013 by the due date of September 16, 2013.
5. On September 25, 2013, Claimant's spouse and the case worker, [REDACTED], participated in a triage to discuss her untimely verification. During the triage, [REDACTED] determined that Claimant's spouse had not established good cause for her untimely filing.
6. On September 27, 2013, the Department issued a Notice of Case Action closing Claimant's cash assistance, and decreasing his food assistance because "you or a group member failed to participate in employment and/or self-sufficiency-related activities or you quit a job, were fired, or reduced your hours of employment without good cause."
7. On September 30, 2013, the Department received Claimant's request for hearing regarding the closure of his FIP benefits and the reduction in his FAP benefits.

### **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.

The Partnership. Accountability Training. Hope. (PATH) program requirements, education and training opportunities are found in BEM 229. Failure by a client to participate fully in assigned activities while the FIP application is pending will result in denial of FIP benefits. A Work Eligible Individual (WEI) who refuses, without good cause, to participate in assigned employment and/or other self-sufficiency related activities is subject to penalties. If the client does not return the activity log by the due date, it is treated as a noncompliance; see BEM 233A. When a FAP recipient is non-compliant, BEM 233B establishes several consequences."

If a participant is active FIP and FAP at the time of FIP noncompliance, determination of FAP good cause is based on the FIP good cause

reasons outlined in BEM 233A. For the FAP determination, if the client does not meet one of the FIP good cause reasons, determine the FAP disqualification based on FIP deferral criteria only as outlined in BEM 230A, or the FAP deferral reason of care of a child under 6 or education. No other deferral reasons apply for participants active FIP and FAP. Determine good cause during triage appointment/phone conference and prior to the negative action period. Good cause must be provided prior to the end of the negative action period.


Per BEM 233A, "good cause for non-compliance" are based on factors beyond control of the client. Some circumstances that are considered "good cause" are: working 40 hours or more; client is unfit for a particular job; illness or injury; lack of child care; lack of transportation; unplanned events; long commute. "If it is determined during triage the client has good cause, and good cause issues have been resolved, send the client back to PATH."

The undisputed testimony from Claimant's spouse was that she had faithfully verified her attendance over the four months preceding the time in question. BEM 245 details the verification requirements for school attendance. The Department is supposed to "verify school enrollment for persons age 18-49 attending a post-secondary education program. This must be verified at application, redetermination and reported change." The Department concluded that Claimant's spouse did not submit verification of her attendance for the two weeks ending September 13, 2013 by the due date of September 16, 2013. Page 4 of Exhibit 1 instructs the Claimant's spouse to "hand deliver your attendance verification form for the previous two week period. You must hand deliver your attendance form no later than the due date marked to your PATH site Training Specialist or designated staff person at the PATH site." The Department did not provide copies of any attendance verification forms that would provide evidence that the form was due on September 16, 2013 but the Department and Claimant's spouse both acknowledged that the form was due on that date and was not submitted because Claimant's spouse had forgotten to have the instructor sign it.

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 acted in accordance with Department policy when it determined that Claimant's spouse failed to comply with the training requirements.

**DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.

  
**Darryl T. Johnson**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: November 26, 2013

Date Mailed: November 27, 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

20144512/DTJ

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

DTJ/aca

cc:

