

4. On Wednesday, October 16, 2013, Claimant failed to submit her weekly job log.
5. Claimant did not submit the October 16, 2013, job log prior to October 23, 2013.
6. On October 23, 2013, the Department sent Claimant (i) a Notice of Noncompliance notifying her that she had failed to comply with the work participation program and scheduling a triage on October 29, 2013, and (ii) a Notice of Case Action notifying her of the closure of her FIP case effective December 1, 2013, for a three-month minimum based on her noncompliance with employment-related activities without good cause.
7. Claimant participated in the October 29, 2013, triage and contended that she did not attend the October 16, 2013, appointment because she had a sick child.
8. At the triage, the Department concluded that Claimant did not have good cause for her noncompliance and closed her FIP case.
9. On October 30, 2013, Claimant filed a request for hearing disputing the Department's actions concerning her FIP case.

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, as a condition of continued FIP eligibility, work eligible individuals (WEIs) 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 (October 2013), p. 1; BEM 233A (July 2013), p. 1. A FIP group containing only one WEI parent with the youngest child in the group younger than six years old or older is required to participate in 20 hours of weekly eligible activities. BEM 228 (January 2013), p. 14.

In this case, the work participation program specialist testified that Claimant was required to provide verification of 20 hours of weekly job search by submitting a log on each Wednesday of the week, a day that Claimant agreed was acceptable. Although Claimant complied with this requirement between July 23, 2013, and October 9, 2013, she did not submit her log on October 16, 2013, and did not submit this log prior to

October 23, 2013. Based on this noncompliance, the Department sent Claimant the October 23, 2013, Notice of Noncompliance scheduling an October 29, 2013, triage.

Claimant attended the triage. The purpose of the triage is for the parties to jointly discuss noncompliance and good cause. BEM 233A, p. 9. 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. 4. Good cause includes credible information that indicates an unplanned event or factor which likely prevents or significantly interferes with employment and/or self-sufficiency-related activities. BEM 233A, p. 6.

At the triage, Claimant explained that she did not submit her log on October 6, because her child was sick. She admitted that she did not have any documentation from her child's doctor concerning the illness but explained that she called the doctor who advised her that it was not necessary to bring the child in. Claimant testified that she left a message with her participation program worker on October 15, 2013, to let her know that she could not come in on October 16, 2013. While she acknowledged that her worker usually called her to confirm receipt of her calls, she believed that her call was received. She testified, and the worker confirmed, that Claimant came in on October 23, 2013, with logs for both the week ending October 16 and the week ending October 23, but the work participation program refused to accept any further documentation because it had forwarded her case to triage. Under the facts presented, Claimant established that she had good cause for her noncompliance due to an unplanned event. Therefore, the Department did not act in accordance with Department policy when it concluded that Claimant did not have good cause for her noncompliance.

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.


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 FIP employment-related sanction applied to Claimant's record on or about December 1, 2013;
2. Reinstate Claimant's FIP case effective December 1, 2013; and

3. Issue supplements to Claimant for any FIP benefits she was eligible to receive but did not from December 1, 2013, ongoing.



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

Date Signed: December 10, 2013

Date Mailed: December 10, 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/pf

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