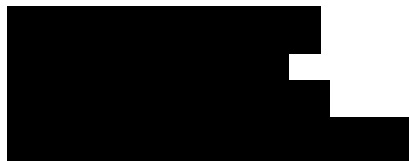


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES



Reg No.: 2013-34530
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: April 8, 2013
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Monday, April 8, 2013. The Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

ISSUE

Whether the Department properly terminated the Claimant's cash assistance ("FIP") benefits effective April 1, 2013.

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant was a FIP recipient.
2. On February 25, 2013, the Department sent a Notice of Non-compliance with the Partnership. Accountability Training. Hope. ("PATH") program instructing her to attend the March 4, 2013 triage appointment.
3. On February 25, 2013, the Department sent a Notice of Case Action, informing the Claimant that her FIP benefits would terminate effective April 1, 2013.
4. The Claimant did not attend the March 4th, triage appointment resulting in a no good cause determination.

5. On March 5, 2013, the Claimant submitted medical verification that she attended a medical appointment at the time of March 4th triage.
6. On this date, March 5th, the Claimant submitted a Request for Hearing.
7. The Claimant's FIP benefits terminated effective April 1, 2013.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Reference Tables ("RFT").

The Family Independence Program ("FIP") was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department, formerly known as the Family Independence Agency, administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, Rules 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children ("ADC") program effective October 1, 1996.

Federal and state laws require each work eligible individual ("WEI") in the FIP group to participate in PATH or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (January 2013), p. 1. The Department requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. BEM 233A (January 2013), p. 1. An individual who identifies barriers may be temporarily deferred from JET participation. BEM 229 (January 2013), p. 2. PATH participants will not be terminated from the program without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A, p. 7. Clients must comply with triage requirements and provide good cause verification within the negative action period. BEM 233A, p. 7. 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. BEM 233A, p. 3. Good cause must be considered even if the client does not attend, with particular attention to possible disabilities (including disabilities that have not been diagnosed or identified by the client) and unmet needs for accommodation. BEM 233A, p. 7, 8.

In this case, the Department determined Claimant was non-compliant with the PATH program. Pursuant to policy, a Notice of Case Action and a Notice of Non-compliance were sent to the Claimant which instructed her to appear for a March 4, 2013 triage. The Claimant failed to appear for triage; however, the following day, presented medical documentation showing that she attended a medical appointment at the time of March 4th triage. Further, the medical documentation provided that the Claimant was unable to attend work/school. During this time period, the Claimant was seeking a PATH deferral based upon an alleged disability. The Department did not reschedule the triage appointment. Under the facts presented, the Claimant established good cause for her failure to appear for triage. As such, the Department's FIP closure is reversed.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds the Department's actions are not upheld.

THE DEPARTMENT SHALL INITIATE WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER, THE FOLLOWING:

1. The Department's FIP closure is not upheld.
2. The Department shall initiate reinstatement of the Claimant's FIP benefits from the date of closure, April 1, 2013, and supplement for lost benefits that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with department policy.
3. The Department shall schedule a triage appointment with the Claimant to discuss whether good cause existed for the PATH non-compliance in accordance with Department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 11, 2013

Date Mailed: April 15, 2013

NOTICE: 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)

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 was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CMM/tm

cc:

