

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2013-38520
Issue No. 1038
Case No. [REDACTED]
Hearing Date: April 29, 2013
County: Oakland (02)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon Claimant's request for a hearing made pursuant to MCL 400.9 and MCL 400.37, which govern the administrative hearing and appeal process. After due notice, a telephone hearing was held on April 29, 2013 from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Also present on behalf of Claimant was [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] [REDACTED] PATH Coordinator, and [REDACTED], Case Manager.

ISSUE

Whether the Department properly closed Claimant's case for benefits under the Family Independence Program (FIP) based on Claimant's failure to participate in 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 was required to participate in employment-related activities.
2. On January 22, 2013, the Department issued a PATH Appointment Notice for Claimant to attend on February 4, 2013.
3. Claimant attended the PATH Appointment on February 4, 2013 and was excused from completing the orientation by the PATH worker.

4. On February 11, 2013, the Department sent Claimant a Notice of Noncompliance informing Claimant of a failure to participate in employment-related activities.
5. On February 10, 2013, the Department sent Claimant a Notice of Case Action closing Claimant's FIP, effective March 1, 2013, due to failure to participate in employment-related activities without good cause.
6. On March 29, 2013, Claimant filed a hearing request disputing the Department's action.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (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 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Department requires Work Eligible Individuals (WEI) seeking FIP to participate in employment and self-sufficiency-related activities. BEM 233A. Failing, without good cause, to participate in employment or self-sufficiency-related activities results in the WEI being penalized. *Id.* Good cause is a valid reason for noncompliance that is based on factors that are beyond the control of the noncompliant person. *Id.*

In the present case, On January 22, 2013, the Department issued a PATH Appointment Notice for Claimant to attend on February 4, 2013. Claimant testified credibly, that she attended the PATH appointment on February 4, 2013 and was excused from completing the orientation by the PATH worker. The PATH worker was not present at the hearing to dispute Claimant's testimony. Therefore, Claimant 1) participated in employment-related activities and 2) had good cause to not complete the employment-related activities, as the PATH worker excused her from completing the orientation. The Department nevertheless closed Claimant's case for not participating in employment-relating activity. It is noted that the Notice of Case Action closing Claimant's case was issued prior to the Notice of Noncompliance, which also raises an issue as to whether the Department acted in accordance with Department policy.

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Based on the above discussion, the Department was not correct in closing Claimant's FIP case for failure to participate in employment-related activities.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department properly closed Claimant's FIP case. improperly closed Claimant's FIP case.

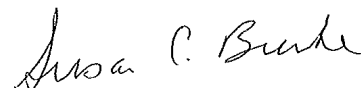
DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did act properly. did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.

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

1. Remove the sanction from Claimant's case.
2. Initiate reinstatement of Claimant's FIP benefits, effective March 1, 2013 if Claimant is otherwise eligible for FIP benefits.
3. Issue FIP supplements for any payment Claimant was entitled to receive but did not receive, in accordance with Department policy.



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

Date Signed: April 30, 2013

Date Mailed: May 1, 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

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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 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

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cc:

