

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-38894  
Issue Nos.: 1038, 3014  
Case No.: [REDACTED]  
Hearing Date: April 29, 2013  
County: Oakland (63-4)

**ADMINISTRATIVE LAW JUDGE:** Eric Feldman

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on April 29, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the above-named Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

**ISSUES**

1. Whether the Department properly closed Claimant's case for Family Independence Program (FIP) benefits based on Claimant's failure to participate in employment-related activities without good cause?
2. Did the Department properly calculate Claimant's Food Assistance Program (FAP) group composition from December 6, 2012, ongoing?

**FINDINGS OF FACT**

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

1. On December 6, 2012, Claimant applied for FIP benefits.
2. On December 6, 2012, Claimant also applied for FAP benefits and received benefits for a group size of two effective January 1, 2013, ongoing, in the amount of \$367.
3. Claimant was approved for FIP benefits effective January 1, 2013, ongoing, in the amount of \$492. Exhibit 1.

4. Claimant was temporarily deferred for medical reasons from the Partnership. Accountability.Training.Hope. (PATH) program effective February 4, 2013, through March 3, 2013.
5. Claimant failed to attend an employment-related activity on March 4, 2013.
6. On March 19, 2013, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case, effective May 1, 2013, ongoing, based on a failure to participate in employment-related activities without good cause. Exhibit 1.
7. On March 19, 2013, the Department mailed Claimant a Notice of Noncompliance scheduling Claimant for a triage appointment on March 26, 2013. Exhibit 1.
8. On March 26, 2013, Claimant never attended the triage appointment.
9. On March 29, 2013, Claimant requested a hearing disputing the FIP benefit termination and her FAP benefits. Exhibit 3.

### **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 Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

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 Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3001 through Rule 400.3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACCS, Rule 400.3151 through Rule 400.3180.

### **FIP Benefits**

In this case, the Department testified that Claimant failed to attend her employment-related activity on March 4, 2013. Moreover, Claimant failed to attend her triage appointment on March 26, 2013, and therefore, the Department closed Claimant's FIP case effective May 1, 2013, ongoing, due to her failure to attend the employment-related activity.

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. These clients must participate in employment and/or self-sufficiency-related activities to increase their employability and obtain employment. BEM 230A, p. 1. PATH participants will not be terminated from PATH without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A (January 2013), p. 7. Good cause is determined during triage. 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 and must be verified. BEM 233A, p. 3.

At the hearing, Claimant cooperated with the PATH program until she was temporarily deferred for medical reasons effective February 4, 2013, through March 3, 2013. Exhibit 1. Moreover, the Department read from the hearing summary record that Claimant was contacted at the end of her temporary deferral and she was to return to the PATH program effective March 4, 2013.

Mandatory PATH clients are referred to PATH upon application for FIP, when a client's reason for deferral ends, or a member add is requested. BEM 229 (January 2013), p. 3. When a client no longer qualifies for a deferral, the Department sends a task/reminder to the specialist four days before the end of the month the deferral ends. BEM 229, p. 4. This task/reminder alerts the specialist to run eligibility and certify in order for the PATH referral and the DHS-4785, PATH Appointment Notice, to be automatically generated by the Department. BEM 229, p. 4. The Department sends the PATH referral and the DHS-4785 the first business day of the calendar month after the deferral ends. BEM 229, p. 4.

Claimant testified that she knew she was temporarily deferred for medical reasons for one month; however, she credibly testified that she never received any notice to attend her employment-related activity for March 4, 2013. The Department testified that it was unable to determine if the Michigan Works! Association (MWA) sent a PATH Appointment Notice to Claimant. Also, at the hearing, the Department did not present

any evidence of such a document being sent to Claimant. Moreover, Claimant testified that she contacted the Department one day before her March 26, 2013, triage and requested to reschedule her appointment due to a physical therapy lesson. Claimant testified that the Department rescheduled her appointment for March 29, 2013. Claimant then testified that she went to her Department office on March 29, 2013; however, her caseworker was not present. The Department was unable to verify if Claimant contacted the Department on March 25, 2013, to reschedule her appointment. Nevertheless, the Department is required to send a PATH Appointment notice after a client's deferral ends. BEM 229, pp. 3-4. The Department failed its burden to show that a PATH Appointment Notice was sent to Claimant after her deferral period ended. BEM 229, pp. 3-4. Thus, the Department did not act in accordance with Department policy when it closed Claimant's FIP benefits. BEM 229, pp. 3-4.

### **FAP Benefits**

On December 6, 2012, Claimant applied for FAP benefits and received benefits for a group size of two effective January 1, 2013, ongoing, in the amount of \$367. However, Claimant testified that she has a group size of three and was uncertain why she was only approved for a group size of two.

The Department will help determine who must be included in the FAP group prior to evaluating the non financial and financial eligibility of everyone in the group. BEM 212 (November 2012), p. 1. FAP group composition is established by determining all of the following: (1) who lives together; (2) the relationship(s) of the people who live together; (3) whether the people living together purchase and prepare food together or separately; and (4) whether the person(s) resides in an eligible living situation. BEM 212, p. 1. After determining who is in the FAP group, the Department determines if this group is categorically eligible for FAP benefits. BEM 212, p. 8. The Department verifies group composition factors if the information given is questionable. BEM 212, p. 8.

At the hearing, Claimant testified that the group size includes herself and her two children. The Department did review her application at the hearing and confirmed that she did apply for a group size of three on December 6, 2012. Also, the Department presented the Eligibility Summary showing that effective January 1, 2013, ongoing, Claimant was receiving FAP benefits in the amount of \$367 for a group size of two. Exhibit 1. However, the Department was unsure of why the FAP benefits were approved only for a group size of two. Additionally, on or around March 18, 2013, Claimant contacted the Department and testified that her caseworker was not sure why she was receiving reduced FAP benefits, but that it could possibly be a child support issue with the Office of Child Support.

Based on the foregoing information, the Department failed its burden to show why Claimant was approved for FAP benefits for only a group size of two rather than 3. Additionally, it was unclear whether Claimant received benefits from December 6, 2012, ongoing. The evidence presented only shows FAP benefits issued effective January 1, 2013, ongoing.

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 (i) improperly closed Claimant's FIP case and (ii) failed its burden to indicate why Claimant was only approved for a group size of two for FAP benefits effective December 6, 2012, ongoing.


**DECISION AND ORDER**

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

Accordingly, the Department's  AMP  FIP  FAP  MA  SDA decision is  AFFIRMED  REVERSED for the reasons stated above and on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Remove Claimant's second FIP sanction from her case;
2. Begin reinstating Claimant's FIP case effective May 1, 2013, ongoing;
3. Begin issuing supplements to Claimant for any FIP benefits she was eligible to receive but did not from May 1, 2013, ongoing;
4. Evaluate Claimant's FAP eligibility effective December 6, 2012, ongoing, in light of the FAP application which reflected a group size of three;
5. Begin issuing supplements to Claimant for any FAP benefits she was eligible to receive but did not from December 6, 2012, ongoing; and
6. Notify Claimant in writing of its decision in accordance with Department policy.

  
**Eric Feldman**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: May 1, 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 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

EJF/pf

cc:

