

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

**IN THE MATTER OF:**



Reg. No: 2013-43386  
Issue No: 1038, 3000  
Case No: 111555798  
Hearing Date: June 5, 2013  
St. Clair County DHS

**ADMINISTRATIVE LAW JUDGE:** COREY A. ARENDT

**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 June 5, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] [REDACTED].

**ISSUE**

Did the Department properly terminate and sanction the Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) benefits for noncompliance with PATH requirements?

**FINDINGS OF FACT**

I find as material fact based upon the competent, material and substantial evidence on the whole record:

1. On May 14, 2008, the Claimant was sanctioned by the Department for noncompliance.
2. Prior to March 18, 2013, the Claimant had sought a deferral from the PATH program.
3. On March 18, 2013, the Medical Review Team (MRT) returned documentation to the Department indicating the Claimant was able to participate in PATH with limitations.
4. On March 21, 2013, the Department sent the Claimant a quick note. The quick note indicated MRT had determined the Claimant could participate in PATH with limitations and to look out for a PATH appointment notice.

5. On March 21, 2013, the Department sent the Claimant a PATH appointment notice. The notice indicated the Claimant was to attend a PATH orientation on April 1, 2013.
6. As of April 9, 2013, the Claimant had not participated in the PATH orientation.
7. On April 9, 2013, the Department sent the Claimant a notice of noncompliance and notice of case action. The notice of noncompliance indicated a triage was to take place on April 17, 2013. The notice of case action indicated the Claimant's FIP benefits were closing and FAP benefits were being reduced as a result of the Claimant being noncompliant with the PATH program.
8. On April 16, 2013, a phone triage took place. During the triage, the Department provided the Claimant with an opportunity to provide additional medical evidence regarding the disabling conditions the Claimant indicated were preventing her from participating in PATH.
9. At no point in time between April 16, 2013 and April 29, 2013 did the Claimant allege a new disabling condition or provide the Department with additional medical documentation.
10. On April 19, 2013, the Claimant requested a hearing to protest the FIP closure and FAP reduction.

### **CONCLUSIONS OF LAW**

The FIP was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The goal of the FIP penalty policy is to obtain client compliance with appropriate work and/or self-sufficiency-related assignments and to ensure that barriers to such compliance have been identified and removed. The goal is to bring the client into compliance.

A Work Eligible Individual (WEI); see BEM 228; who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized.

Clients who are disabled are temporarily deferred from employment-related activities. The Department is to defer persons incapacitated due to injury, physical illness or mental illness. They must verify a reason for deferral only if it is not obvious and the information provided is questionable (unclear, inconsistent or incomplete). BEM 230B.

The client is responsible for providing evidence needed to prove disability or blindness. However, the Department must assist the customer when they need help obtaining it. Such help includes the following:

- Scheduling medical exam appointments
- Paying for medical evidence and medical transportation

The FIS must assign and maintain FSSP activities to ensure continued pursuit of self-sufficiency while gathering verification or assisting clients with obtaining medical verification or testing. If testing assistance is necessary; see BEM 232, Medical Exams, Immunizations and Tests for instructions.

If new medical evidence is not provided, do not send the case back to the Medical Review Team. The previous Medical Review Team decision stands.

Testimony and other evidence must be weighed and considered according to its reasonableness.<sup>1</sup> Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine.<sup>2</sup> In evaluating the credibility and weight to be given to the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness's testimony, and the interest, if any, the witness may have in the outcome of the matter.<sup>3</sup>

In this case, the Claimant submitted medical evidence to the Department. The medical evidence submitted covered the conditions the Claimant alleged to be causing her to be unable to participate in PATH. After reviewing the Claimant's medical documentation, MRT determined the Claimant was able to participate in PATH. Consequently, the Claimant should have participated in the scheduled orientation and because she did not the Department acted accordingly when they closed and sanctioned the Claimant's FIP and FAP cases.

Accordingly, I find the Department's actions should be **AFFIRMED**.

### **DECISION AND ORDER**

I find, based upon the above findings of fact and conclusions of law, decide that:

1. The Department properly closed and sanctioned the Claimant's FIP and FAP benefits for noncompliance with PATH requirements.

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<sup>1</sup> *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007).

<sup>2</sup> *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

<sup>3</sup> *People v Wade*, 303 Mich 303 (1942), *cert den*, 318 US 783 (1943).

Accordingly, the Department's actions are **AFFIRMED**.



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Corey A. Arendt  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: June 6, 2013

Date Mailed: June 6, 2013

**NOTICE:** Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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

2013-43386/CAA

CAA/las

cc:

