

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-43607
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: July 3, 2013
County: Wayne (82-17)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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, an in-person hearing was held on July 3, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Whether the Department properly sanctioned her Family Independence Program (FIP) benefits?

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 applied for benefits received benefits for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. On April 1, 2013, the Department
 denied Claimant's application
due to failing to participate with PATH.

closed Claimant's case

3. On February 20, 2013, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the non-compliance. The case action effective dated was March 5, 2013.
4. On February 28, 2013, Claimant failed to meet with the Department regarding non-compliance with PATH.
5. On April 19, 2013, Claimant filed a hearing request, protesting the
 denial of the application. closure of the case.

CONCLUSIONS OF LAW

Department policies are contained 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.

In the instant case, Claimant was granted a [REDACTED] deferral from participating in work-related activities following the birth of her child [REDACTED]. The Department testified Claimant was sent a PATH appointment on February 1, 2013. The Department presented a copy of this notice. Exhibit 1, p. 11. The Department testified that Claimant was instructed in this notice to return to PATH on February 12, 2013. The Department testified that Claimant failed to return as instructed on February 12, 2013. On February 20, 2013 the Department issued a letter of non-compliance indicating the Department had scheduled a meeting with Claimant for February 28, 2013, to discuss Claimant's failure to re-engage in assigned work-related activities. This meeting did not take place on February 28, 2013.

At hearing, Claimant testified she never received the notice regarding returning to the PATH program and, further testified she never received the notice of non-compliance which included the date and time to meet with the Department regarding reengagement with PATH. Claimant testified she was unaware of any issues with her FIP benefits or PATH participation until she called the automated BRIDGE card phone number in April 2013 after not seeing benefits on her card. She discovered through that call that FIP benefits had not been loaded to her BRIDGE card. Claimant testified she contacted the Department on April 11, 2013, and spoke with the Department representative. Claimant explained she had started participating in work-related activities and had been turning in job search logs to the PATH contractor. Claimant testified she had been turning in her Outside Job Search Contact Log to the PATH program. Claimant testified she continued to submit these logs to the same staff person to whom she had always submitted her logs.

The Department was not able to rebut this testimony. The Department was advised by Claimant both in the call on April 11, 2013, and via her hearing request that she had alleged compliance via turning logs into a specific PATH employee. This employee was not present for the hearing. Claimant stated she had asked the Department to make sure this staff person was present. This Administrative Law Judge informed Claimant if she wanted a witness to appear, she needed to request this through Michigan Administrative Hearing System (MAHS) as indicated on the notice of hearing she received for today's hearing. Claimant was allowed to attempt to contact this person during the hearing and have them participate via telephone. However, Claimant discovered this particular PATH employee was not at work.


The Department testified that Claimant was properly referred to re-engage with PATH beginning February 12, 2013. The Department testified that Claimant failed to re-engage with PATH and there was no evidence submitted to demonstrate that Claimant appeared on February 12, 2013, at 12:30 to complete the orientation scheduled for her to attend. Claimant confirmed the address of record which matched the address listed on the notice of PATH appointment as well as the Notice of Non-Compliance issued on February 1, 2013. Claimant presented no evidence to demonstrate she had issues with receiving mail. There was no evidence submitted to demonstrate that Claimant ever reported an issue regarding receiving her mail to the Department. Under these facts, Claimant has failed to rebut the presumption that she received the PATH appointment notice or the subsequent Notice of Non-Compliance. See *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270, 275-278 (1976).

After reviewing the evidence submitted for consideration, this Administrative Law Judge finds the Department issued a notice of appointment for the PATH program and Claimant failed to appear and participate at this appointment. While Claimant alleges she continued to supply Outside Job Search Contact Logs to the PATH contractor, this fails to demonstrate compliance with work-related activities. The Department properly informed Claimant of an appointment and Claimant failed to attend the appointment, as required to be eligible for benefits. In addition, the logs presented by Claimant fail to convince this Administrative Law Judge of compliance with PATH activities.

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.

Accordingly, the Department's decision is AFFIRMED.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 10, 2013

Date Mailed: July 10, 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 affect the substantial rights of the claimant,
 - 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

JWO/pf

cc:

