

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-43922  
Issue No.: 1021  
Case No.: [REDACTED]  
Hearing Date: May 28, 2013  
County: Wayne (82-35)

**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 May 28, 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]

**ISSUE**

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?

**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 benefits. Exhibit 2.
2. Claimant was deferred from the FIP program and then, on an unspecified date, Claimant's deferral ended.
3. Due to Claimant's deferral ending, on April 1, 2013, the Department sent Claimant a Partnership.Accountability.Training.Hope. (PATH) Appointment Notice for Claimant to attend the employment-related activity on April 8, 2013. Exhibit 1.
4. Claimant failed to attend the April 8, 2013, appointment.

5. On April 8, 2013, Claimant contacted the Department requesting a rescheduled appointment date.
6. On April 8, 2013, the Department sent Claimant a PATH Appointment Notice for Claimant to attend the employment-related activity on April 15, 2013. Exhibit 1.
7. On April 15, 2013, Claimant attended the rescheduled PATH appointment; however, the PATH caseworker turned Claimant away due to not having the correctly dated PATH Appointment Notice.
8. On April 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.
9. On April 19, 2013, the Department mailed Claimant a Notice of Noncompliance scheduling Claimant for a triage appointment on April 25, 2013. Exhibit 1.
10. On April 25, 2013, Claimant attended the triage appointment and the Department found no good cause for Claimant's failure to attend the PATH appointment. Exhibit 1.
11. On April 25, 2013, Claimant requested a hearing disputing her FIP benefit termination. Exhibit 1.

### **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.

### **Preliminary Matters**

First, Claimant testified that she did not receive her FIP payments the last few benefit months. At the hearing, the Department presented as evidence Claimant's Eligibility Summary. Exhibit 2. The Eligibility Summary showed that Claimant's FIP benefits from December 2012 through April 2013 were authorized for payment. See Exhibit 2. Based on the foregoing evidence, Claimant did receive payments for her FIP benefits for the time period of December 2012 through April 2013. See Exhibit 2.

Second, the Department imposed a six-month sanction for Claimant's current FIP case because this was her second noncompliance. Exhibit 1. Claimant testified that she was unaware that she ever received a first noncompliance. However, the Department presented as evidence Claimant's Non-Cooperation – Summary document. Exhibit 2. This document indicates that Claimant's first noncompliance was imposed from February 1, 2010, through April 30, 2010. See Exhibit 2. Based on the foregoing evidence, Claimant has a first noncompliance in the FIP program. See Exhibit 2.

### **FIP Benefits**

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.

Additionally, 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 Program Appointment Notice, to be automatically generated by the Department. BEM 229, p. 4. The Department sends the client the PATH referral and the DHS-4785 the first business day of the calendar month after the deferral ends. BEM 229, p. 4.

In this case, Claimant was an ongoing recipient of FIP benefits. Exhibit 2. Claimant was deferred from the FIP program and then, on an unspecified date, Claimant's deferral ended. Due to Claimant's deferral ending, on April 1, 2013, the Department sent Claimant a PATH Appointment Notice for Claimant to attend the employment-related activity on April 8, 2013. Exhibit 1. Claimant failed to attend the April 8, 2013, appointment. On April 8, 2013, Claimant contacted the Department requesting a rescheduled appointment date due to her receiving the appointment notice the day before the scheduled appointment. Exhibit 1. On April 8, 2013, the Department sent Claimant a PATH Appointment Notice for Claimant to attend the employment-related activity on April 15, 2013. Exhibit 1. On April 15, 2013, Claimant attended the rescheduled PATH appointment; however, the PATH caseworker turned Claimant away due to not having the correctly dated PATH Appointment Notice. On April 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. On April 19, 2013, the Department mailed Claimant a Notice of Noncompliance scheduling Claimant for a triage appointment on April 25, 2013. Exhibit 1. On April 25, 2013, Claimant attended the triage appointment and the Department found no good cause for Claimant's failure to attend the PATH appointment. Exhibit 1. Thus, the Department imposed a six-month sanction for Claimant's FIP case because this was her second noncompliance. BEM 233A, pp. 1 and 6.

At the hearing, Claimant testified that she contacted the Department on April 16, 2013, stating she attended the April 15, 2013 orientation. Claimant testified that she brought the April 1, 2013, PATH Appointment Notice and the PATH caseworker turned her away due to not having the updated PATH Appointment Notice dated April 8, 2013. Claimant testified that she reiterated this explanation at triage; however, the Department found no good cause. Both the PATH caseworker and Claimant's current Department caseworker were not present for the hearing to rebut her testimony.

Based on the foregoing information and evidence, the Department did not act in accordance with Department policy when it closed Claimant's FIP benefits. First, the PATH Appointment notice states that Claimant has to attend the appointment within 15 days of the notice. See Exhibit 1. Claimant met this requirement by attending the appointment on April 15, 2013. The PATH caseworker should not have turned Claimant away for her failure to present the updated PATH Appointment Notice. Second, the Department was unable to rebut Claimant's credible testimony. Both the PATH caseworker and Claimant's current Department caseworker were not present to rebut her testimony.

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 did not act in accordance with Department policy when it closed Claimant's FIP benefits effective May 1, 2013, ongoing. See BEM 229; BEM 230A; and BEM 233A.


**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; and
4. 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: June 10, 2013

Date Mailed: June 11, 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:

