

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

IN THE MATTER OF:

████████████████████
████████████████████
████████████████████

Reg. No.: 2013-45295
Issue No.: 1038
Case No.: ██████████
Hearing Date: June 3, 2013
County: Wayne 18

ADMINISTRATIVE LAW JUDGE: Jan Leventer

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 3, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Jobs, Education and Training (JET) Case Manager and ██████████, Family Independence Specialist.

ISSUE

Did the Department properly deny Claimant's application close Claimant's case 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)? |

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 May 1, 2013, the Department
 denied Claimant's application closed Claimant's case
due to a determination that she failed to meet the work participation requirements of
the JET program.
3. On April 19, 2013, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On May 2, 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.

Additionally, the following findings of fact and conclusions of law are entered in this case.

On or about October 10, 2012, Claimant had a baby. Dept. Exh. A, p. 9. The Department provided Claimant with a PATH (Partnership.Accountability.Training.Hope) newborn child deferral from work participation until March 31, 2013.

On April 1, 2013, the Department sent Claimant a PATH Appointment Notice, advising her to appear for PATH orientation on April 8, 2013. Dept. Exh. 1, p. 5.

On April 2, 2013, Claimant went to Florida to visit her aunt, and returned April 12, 2013.

On April 8, 2013, the Claimant failed to appear for her PATH appointment.

On April 15, 2013, after having received the PATH Appointment Notice upon her return, Claimant called the Department to reschedule her PATH appointment.

On April 19, 2013, the Department sent Claimant a Notice of Noncompliance and a Notice of Case Action. *Id.*, pp. 3-4, 6-7. The Notice of Noncompliance requested that Claimant appear for a triage conference on April 25, 2013.

On April 25, 2013, The Department conducted a triage conference at which Claimant was present. At the triage the Department considered whether there was a good cause reason to explain Claimant's failure to appear for the April 8, 2013 PATH appointment. The Department determined that there was not good cause because Claimant failed to demonstrate that she had "an unplanned factor or event which likely prevents or significantly interferes with employment and/or self-sufficiency-related activities." Department of Human Services Bridges Eligibility Manual (BEM) 233A (2013), p. 5.

The issue in this case is whether a visit to a relative is an unplanned factor or event. The examples BEM presents are domestic violence, health or safety risk, religion, homelessness, jail or hospitalization. *Id.* In this case, Claimant presented credible and un rebutted testimony and a letter, indicating that the trip was a car trip offered to her by a friend at no cost to herself. Clmt. Exh. A.

BEM 233A states that the term, "unplanned event or factor," is not limited to the six examples presented therein. BEM 233A, p. 5. In fact, BEM 233A leaves significant discretion to the judgment of the Department as to what constitutes an unplanned event or factor.

Based on the discretionary nature of the terms good cause and unplanned event, it is found and determined that it is reasonable to consider a ten-day trip to visit a family member as good cause consisting of an unplanned event or factor under BEM 233A. BEM 233A allows for this, because it states that the event or factor must "significantly interfere" with employment and self-sufficiency-related activities. It is found and determined that a ten-day trip significantly interferes with work participation activities.

It is also clear in this case that Claimant was cooperating with the Department, making it all the more appropriate not to penalize her. Claimant gave credible and un rebutted testimony that she called the Department on April 15, 2013, and numerous times thereafter to reschedule the appointment and participate in the PATH program. In addition, she attended the triage conference and brought in a letter from the friend who drove her to Florida. Department of Human Services Bridges Administrative Manual (BAM) 105 (2013).

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 denied Claimant's application improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case

for: AMP FIP FAP MA SDA CDC.

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 AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO INITIATE THE FOLLOWING ACTION WITHIN TEN DAYS OF THE MAILING DATE OF THIS ORDER:

1. Reinstate Claimant's FIP benefits case.
2. Provide retroactive and ongoing FIP benefits to Claimant at the benefit level to which she is entitled.
3. Delete all sanctions and penalties imposed upon Claimant as a result of the Department's action.
4. All steps shall be taken in accordance with Department policy and procedure.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 5, 2013

Date Mailed: June 5, 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.

2013-45295/JL

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

JL/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
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