

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No. 2013-53606
Issue No. 1038
Case No. ██████████
Hearing Date: July 18, 2013
County: Oakland (04)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon Claimant's request for a hearing made pursuant to MCL 400.9 and MCL 400.37, which govern the administrative hearing and appeal process. After due notice, a telephone hearing was held on July 18, 2013 from Detroit, Michigan. Participants on behalf of Claimant included Claimant and Claimant's Authorized Hearing Representative, ██████████ ██████████, of ██████████. Participants on behalf of Department of Human Services (Department) included ██████████, Success Coach.

ISSUE

Whether the Department properly closed Claimant's case for benefits under the Family Independence Program (FIP) 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 and was required to participate in employment-related activities.
2. On July 1, 2013, the Department closed Claimant's FIP case, due to failure to participate in employment-related activities without good cause.
3. Claimant attended the triage, where the Department found no good cause.
4. Claimant reported to the Department, but not to PATH, that she was no longer working.

5. PATH sent Claimant notices to the wrong address, and Claimant did not receive the notices.
6. On June 13, 2013, Claimant filed a hearing request disputing the Department's action.

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 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 Department requires Work Eligible Individuals (WEI) seeking FIP to participate in employment and self-sufficiency-related activities. BEM 233A. Failing, without good cause, to participate in employment or self-sufficiency-related activities results in the WEI being penalized. *Id.* Good cause is a valid reason for noncompliance that is based on factors that are beyond the control of the noncompliant person. *Id.*

PATH participants will not be terminated from a program without the Department first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. *Id.*

In the present case, the Department closed Claimant's FIP case, effective July 1, 2013, allegedly due to not participating in employment-related activities. However, the Department did not present for examination at the hearing the Notice of Noncompliance and the Notice of Case Action. It cannot be determined, therefore, that the Department followed policy correctly in its issuance of a Notice of Noncompliance and the Notice of Case Action. In addition, the Department concedes that Claimant notified the Department that she was no longer employed. Claimant understandably thought she complied with notification requirements. Claimant also testified credibly that she lived at the same address during her engagement with PATH, but the PATH worker sent notices to her at an incorrect address. Claimant did not receive the notices, so it is logical to conclude that she would not respond to the notices. Again, the notices were not submitted for examination at the hearing.

Without proof that the Notice of Noncompliance, the Notice of Case Action, and the alleged notices from PATH were in compliance with Department policy, and based on Claimant's credible testimony that she complied to the best of her knowledge with employment participation requirements, it is found that the Department was not correct in closing Claimant's FIP case.

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 closed Claimant's FIP case. improperly closed Claimant's FIP case.

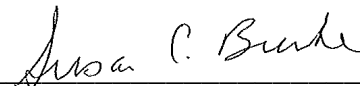
DECISION AND ORDER

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 decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT SHALL BEGIN THE PROCESS OF THE FOLLOWING STEPS WITHIN TEN DAYS OF THE MAILING OF THIS ORDER:

1. Remove the sanction from Claimant's case.
2. Initiate reinstatement of Claimant's FIP, effective July 1, 2013, if Claimant is otherwise eligible for FIP.
3. Issue FIP supplements for any payment Claimant was entitled to receive, in accordance with Department policy.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: July 23, 2013

2013-53606/SB

Date Mailed: July 23, 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 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

SCB/tm

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[REDACTED]
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