

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-54146
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: July 18, 2013
County: Wayne (82-18)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 July 13, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case for failure to comply with 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.
2. On March 20, 2013, Claimant failed to attend a mandatory meeting with the Partnership.Accountability.Training.Hope. (PATH) program.
3. On March 21, 2013, the Department sent Claimant a Notice of Noncompliance notifying her of her noncompliance and scheduling a triage on March 28, 2013.

4. On March 28, 2013, Claimant attended the triage and explained that she did not attend the May 20, 2013, meeting because her grandfather had died on [REDACTED]
5. The Department concluded that Claimant had failed to establish good cause for her noncompliance.
6. On March 21, 2013, the Department sent Claimant a Notice of Case Action closing her FIP case based on her failure to comply with employment-related activities without good cause.
7. The Department imposed a first sanction for failure to comply with employment-related obligations resulting in the closure of Claimant's FIP case for a three-month minimum.
8. On June 20, 2013, Claimant filed a request for a hearing disputing the Department's action.

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, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Additionally, on March 21, 2013, the Department sent Claimant a Notice of Case Action advising her that, based on her noncompliance with employment-related activities without good cause, her FIP case would close effective May 1, 2013, for a minimum three-month period.

In order to increase their employability and obtain employment, work eligible individuals (WEIs) seeking FIP are required to participate in the PATH program or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (January 2013), p. 1; BEM 233A (January 2013), p. 1. Failing or refusing to appear for a scheduled appointment or meeting related to assigned activities without good cause constitutes a noncompliance with PATH required activities justifying closure of a client's FIP case. BEM 233A, pp. 1-2.

In this case, the PATH program worker advised Claimant that she had a mandatory meeting on March 20, 2013, to discuss her community service requirements. Claimant

did not attend the meeting and did not call to explain why she could not attend. Thus, Claimant did not comply with PATH activities.

However, PATH participants will not be terminated from PATH without the Department first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A, p. 7. On March 21, 2013, the Department sent Claimant a Notice of Noncompliance notifying her of the noncompliance and scheduling a triage on March 28, 2013. Claimant attended the triage.

At the triage, the client has the opportunity to present her good cause explanation for any noncompliance. BEM 233A, pp. 3-4. Good cause is a valid reason for noncompliance which is beyond the control of the noncompliant person and includes an unplanned event or factor which likely prevents or significantly interferes with employment and/or self-sufficiency-related activities. BEM 233A, pp. 3, 5. Good cause must be based on the best information available during the triage and prior to the negative action date and may be verified by information already on file with the Department or the work participation program. BEM 233A, p. 8.

At the hearing, Claimant testified that when she came to the PATH offices on [REDACTED] [REDACTED] to submit required paperwork she informed her PATH worker that her grandfather had died the previous day, and she would be unable to participate in any activities that week. She credibly testified that she informed the triage participants of her grandfather's death and presented a copy of his obituary from the local paper. The newspaper clipping was sufficient to corroborate Claimant's testimony that her grandfather had died on [REDACTED]. Although the Department denied receiving the newspaper clipping verifying the grandfather's death at the triage, Claimant credibly testified that she provided it. Furthermore, Claimant had until the negative action effective date to verify the death, and she credibly testified that she advised the Department that she could provide other documentation of her grandfather's death if requested. See BEM 233A, p. 9. Because the grandfather's death constituted an unplanned event that significantly interfered with Claimant's participation in employment activities, the Department did not act in accordance with Department policy when it concluded that Claimant failed to establish good cause for her noncompliance. Therefore, the Department improperly closed Claimant's FIP case and imposed a three-month sanction.

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 not act in accordance with Department policy when it closed Claimant's FIP case for failure to comply with employment-related activities without good cause.

Accordingly, the Department's FIP decision is REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant's FIP case as of May 1, 2013;
2. Remove the FIP sanction entered on or about May 1, 2013, from Claimant's record; and
3. Issue supplements for any FIP benefits Claimant was eligible to receive but did not from May 1, 2013, ongoing.



Alice C. Elkin
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: July 22, 2013

Date Mailed: July 22, 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,
 - 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

2013-54146/ACE

Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ACE/pf

cc:

