

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

IN THE MATTER OF:

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

Reg. No.: 2013-58004
Issue No.: 1038; 3029
Case No.: ██████████
Hearing Date: August 14, 2013
County: Wayne (76)

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 August 14, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ ██████████ Partnership. Accountability. Training. Hope. (PATH) Coordinator, and ██████████ ██████████ ki, Family Independence Specialist.

ISSUES

Whether the Department properly closed Claimant's case for Family Independence Program (FIP) benefits based on Claimant's failure to participate in employment and/or self-sufficiency related activities without good cause?

Whether the Department properly reduced Claimant's Food Assistance Program (FAP) benefits based on Claimant's failure to participate in employment and/or self-sufficiency 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 FAP and FIP benefits.
2. On May 20, 2013, the Department sent Claimant a PATH Appointment Notice, which was scheduled on May 28, 2013. Exhibit 1.

3. Claimant never attended the scheduled orientation.
4. On June 8, 2013, the Department mailed Claimant a Notice of Noncompliance scheduling Claimant for a triage appointment on June 14, 2013. Exhibit 1.
5. On June 8, 2013, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case, effective July 1, 2013, based on a failure to participate in employment and/or self-sufficiency related activities without good cause. Exhibit 1.
6. On June 8, 2013, the Notice of Case Action also notified the Claimant that her FAP benefits were reduced effective July 1, 2013, in the amount of \$200 because she failed to participate in employment and/or self-sufficiency related activities without good cause. Exhibit 1.
7. On June 14, 2013, Claimant failed to attend the triage appointment and the Department found no good cause for Claimant's failure to attend an employment and/or self-sufficiency related activities.
8. On July 9, 2013, Claimant filed a hearing request, protesting 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).

FAP benefits

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 Mich Admin Code, R 400.3001 through R 400.3015.

On June 8, 2013, the Notice of Case Action notified Claimant that her FAP benefits were reduced effective July 1, 2013, in the amount of \$200 because she failed to participate in employment and/or self-sufficiency related activities without good cause. Exhibit 1.

At the hearing, the Department testified that Claimant should not have been disqualified as a member of the FAP group because she was providing care for a child under the age of six who is in the FAP group. See BEM 230B (June 2013), pp. 3-4. Thus, the Department agreed to remove Claimant's disqualification from the FAP benefits effective July 1, 2013, ongoing.

FIP benefits

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

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. Good cause includes any of the following: employment for 40 hours/week, physically or mentally unfit, illness or injury, reasonable accommodation, no child care, no transportation, illegal activities, discrimination, unplanned event or factor, long commute or eligibility for an extended FIP period. BEM 233A, pp. 3-5.

In this case, Claimant was an ongoing recipient of FIP benefits. On May 20, 2013, the Department sent Claimant a PATH Appointment Notice, which was scheduled on May 28, 2013. Exhibit 1. Claimant never attended the scheduled orientation. On June 8, 2013, the Department mailed Claimant a Notice of Noncompliance scheduling Claimant for a triage appointment on June 14, 2013. Exhibit 1. On June 8, 2013, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case, effective July 1, 2013, based on a failure to participate in employment and/or self-sufficiency related activities without good cause. Exhibit 1. On June 14, 2013, Claimant failed to attend the triage appointment and the Department found no good cause for Claimant's failure to attend an employment and/or self-sufficiency related activities.

At the hearing, the Department testified that Claimant was not deferred from the PATH program; however, it discovered that she was receiving FIP benefits. Due to this, the Department determined she was a mandatory participant and thus, sent her the PATH orientation notice on May 20, 2013. See Exhibit 1.

Claimant testified that she was deferred from submitting employment verification because she was attending school. Claimant testified that she was deferred by her PATH caseworker. Moreover, Claimant testified that she never received her PATH Appointment Notice in the mail. Claimant testified that she had one other incident that she did not receive her Department mail in the past.

Additionally, Claimant testified that she was unable to attend the triage. On June 13, 2013, Claimant testified that the night before her triage, her vehicle was shot and was impounded by the police as crime scene evidence. Moreover, Claimant testified that her boyfriend was shot as well. Claimant testified that she was in the hospital with her boyfriend all day. Claimant testified that she did not contact the Department the day of the triage requesting to reschedule. However, Claimant testified that she did come to her local DHS office on June 17, 2013. Claimant testified that she spoke with her caseworker regarding her Bridge card. Moreover, Claimant testified that she presented a tow truck document and a police document to her caseworker that same day. It should be noted that Claimant did not present any of the documents at the hearing.

The Department caseworker acknowledged that she did see the Claimant on June 17, 2013. However, the Department testified that they only discussed her Bridge card and does not recall seeing a tow truck document and a police document. Also, on June 20, 2013, the Department testified that Claimant requested to be sent to the PATH orientation, however, the case was closed.

Based on the foregoing information and evidence, the Department improperly closed Claimant's FIP benefits effective July 1, 2013, ongoing. Claimant credibly testified that she presented the documents to the DHS office indicating an incident occurred on June 13, 2013. Moreover, the Department confirms that Claimant did see the caseworker on June 17, 2013. Claimant did have a valid reason for her inability to attend the triage. Thus, the Department will be ordered to conduct a new triage with the Claimant to jointly discuss noncompliance and good cause reasons. See BEM 233A, pp. 7-8.

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 (i) improperly reduced Claimant's FAP benefits effective July 1, 2013, ongoing, and (ii) improperly closed Claimant's FIP benefits effective July 1, 2013, ongoing.

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 DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Begin removing Claimant's first FIP and FAP sanction from her case;
2. Begin removing Claimant's FAP disqualification from her case;
3. Begin reinstating Claimant's FIP case effective July 1, 2013, ongoing;
4. Begin issuing supplements to Claimant for any FIP and FAP benefits she was eligible to receive but did not from July 1, 2013, ongoing;

5. Begin notifying Claimant in writing of a new triage meeting to determine if she had a good cause valid reason for the noncompliance, in accordance with Department policy; and
6. Begin notifying Claimant in writing of its FIP and FAP decision in accordance with Department policy.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 22, 2013

Date Mailed: August 22, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

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

EJF/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]