

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201369581
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: October 24, 2013
County: Ingham

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 October 24, 2013. Claimant appeared and testified. The Department was represented by [REDACTED].

ISSUE

Did the Department properly sanction Claimant's Family Independence Program (FIP) for failure to participate in employment and/or self-sufficiency related activities?

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 Family Independence Program (FIP) benefits.
- (2) On June 1, 2013, Claimant was sent a Partnership, Accountability, Training, Hope (PATH) Appointment Notice (DHS-4785 form). The notice stated that Claimant was required to attend Partnership, Accountability, Training, Hope (PATH) by June 16, 2013.
- (3) On June 27, 2013, Claimant was sent a Notice of Non-Compliance (DHS-2444) because she had not attended PATH. The notice scheduled a triage meeting for July 3, 2013. Claimant was also sent a Notice of Case Action (DHS-1605) stating that the Family Independence Program (FIP) would close on August 1, 2013.

- (4) On July 3, 2013, Claimant did participate in the scheduled meeting. The Department determined there was no good cause for Claimant's failure to participate in employment and/or self-sufficiency related activities.
- (5) On September 17, 2013, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

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 1997 AACRS R 400.3101-3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Department of Human Services Bridges Eligibility Manual (BEM) 233A Failure to Meet Employment and/or Self-Sufficiency Related Requirements: FIP (2013) and Department of Human Services Bridges Eligibility Manual (BEM) 233B Failure to Meet Employment Requirements: FAP (2013) provide the Department requirements and procedures relevant to this hearing.

During this hearing Claimant did not dispute the fact that she did not attend PATH as directed. Claimant testified that she called and requested her Family Independence Program (FIP) be closed on June 17, 2013. Initially Claimant asserted that she did not care about the FIP and was only concerned about her Food Assistance Program (FAP) benefits not going up so they were being sanctioned. After it was explained that her FAP was not being sanctioned but the FIP sanction included budgeting the FIP grant in the FAP financial eligibility budget, Claimant stated she was fighting the FIP sanction.

Claimant did not dispute her failure to attend PATH or participate in the triage meeting. Claimant did allude to speaking to CM Alvarez's supervisor about issues. Claimant testified she did not remember the supervisor's name and at one point in the hearing identified August 2, 2013, as the date she spoke to the supervisor. The dates at issue in this case are between June 10, 2013 and July 3, 2013. Claimant did not assert any credible fact which might have constituted good cause for her failure to attend PATH or the scheduled triage meeting.

This is Claimant's third employment related FIP sanction. Because Claimant raised an issue about her FAP amount, the criterion for continuation of a FIP grant in the FAP financial eligibility budget when a lifetime employment related sanction occurs was reviewed. Department of Human Services Bridges Eligibility Manual (BEM) 233B (2013) page 3 states: For individuals serving a lifetime sanction, Bridges will remove the FIP income from the FAP budget once the individual reaches their FIP lifetime time limit. While this policy language is not clear or direct, neither is it ambiguous. Once unraveled, this policy language provides that if a client is placed on a lifetime employment related FIP sanction before they reach their FIP lifetime time limit; they will not reach their FIP lifetime time limit and so the FIP grant will never be removed from their FAP budget.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department properly sanctioned Claimant's Family Independence Program (FIP) for failure to participate in employment and/or self-sufficiency related activities.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **UPHELD**.

/s/

Gary F. Heisler
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 10/25/2013

Date Mailed: 10/28/2013

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

GFH/sw

cc:

