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

IN THE MATTER OF:

[redacted]

Reg. No.: 2014-15268
Issue No(s).: 1001
Case No.: [redacted]
Hearing Date: January 9, 2014
County: Monroe

ADMINISTRATIVE LAW JUDGE: Darryl T. Johnson

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CF R 431.200 to 431.250; 45 CFR 99. 1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing wa s held on January 9, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant, [redacted]. Participants on behalf of the Department of Human Se rvices (Department) included Family Independence Spec ialist [redacted], PATH Coor dinator [redacted], and Michigan Works Agency (MWA) Welfare Reform Coordinator [redacted].

ISSUE

Did the Department properly close Claimant's Fa mily Independence Program (FIP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on t he competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant was an on-going FIP (cash assistance) recipient.

2. Claimant was required to comply with "work first activities".

3. On October 3, 2013, Claim ant's FIP was closed effectiv e Novem ber 1, 2013, due to non-compliance with work first activities.

4. Claimant did not respond to a notice to attend a "triage" meeting with MW A that was scheduled for October 10, 2013.

5. On November 21, 2013, Claimant requested a hearing.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Service s Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), D epartment of Human Servic es Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and W ork Opportunity Reconc iliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Depar tment (formerly known as the Family Independenc e Agency) administers FIP pursuant to MC L 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

Per BEM 233A:

> "DHS requires clients to participate in employment and self-sufficiency-related activities and t o accept employ ment when offered. The fo cus is t o assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. Ho wever, there are consequenc es for a client who refuses to participate, without good cause.
>
> "The goal of the FIP penalty policy is to obtain client compliance with appropriate work and/or self-su fficiency related as signments and t o ensure that barriers to such co mpliance have been identified and removed. The goal is to bring the client into compliance."

Also:

> "A Work Eligible Individual (WEI) and non-WEIs (except ineligible grantees, clients deferred for lac k of child care, and disqualified aliens), see BEM 228, who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized. Depending on the case situation, penalties include the following:
>
> > Delay in eligibility at application.
> >
> > Ineligibility (denial or terminat ion of FIP with no minimum penalty period).
> >
> > Case closure for a minimum of thr ee months for the first episode of noncompliance, six months fo r the second episode of noncompliance and lifetime clos ure for the third episode of noncompliance.

The Claimant testified that she had moved from her aunt's home on [redacted] in [redacted], Michigan, to an addr ess on [redacted] in [redacted] in August 2013. She testified that she updated her address online, but mail cont inued to be deliv ered to her

aunt's home. Her aunt would call her when mailed would be delivered for the Claimant at the aunt's address.

A Notice of Case Action (Exhibit 1 Pages 5-11) was mailed to the Claimant at the [redacted] address on October 3, 2013. A Notice of Noncompliance (Exhibit 1 Pages 12-13) was also mailed to her at that address on October 3, 2013. A Medical Determination Verification Checklist (Exhibit 1 Page 19) was mailed to the [redacted] address on October 4, 2013, after Claimant provided an updated address on October 3 (Exhibit 1 Page 22). Claimant provided her updated address on a Redetermination that was mailed to the [redacted] address on September 16, 2013.

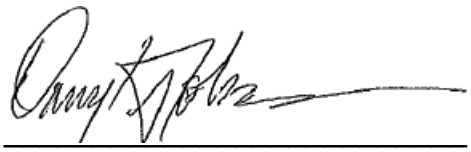
On August 5, 2013, MWA enrolled Claimant in triage because she had not appeared for a re-engagement meeting on August 5 at 9:00 a.m. See MWA Case Notes in Exhibit 1 Pages 14-15. On September 20, 2013, MWA deferred her triage for medical reasons. Claimant called MWA on September 20 and said she would not continue with MWA because she had found a temporary job through Manpower. On October 3, Claimant was enrolled in triage because she was not participating in re-engagement. The Department sent her a notice instructing her to participate on October 10, 2013, at 9:00 a.m. MWA also sent her a notice that same day (Exhibit 1 Page 18) advising her that she would be receiving a triage appointment notice from the Department. It must be noted that MWA only had Claimant's [redacted] address – she had never given MWA the address on [redacted] All notices from MWA went to her home on [redacted] Claimant did not appear for the triage and her case was closed effective October 1, 2013.

Claimant attempted to explain her non-compliance on lack of notice. She explained that she had moved out of her aunt's house in July, and her aunt was away from home from October 6 until November 14 or 15, so she did not receive mail from her aunt until after the deadline. Claimant did not, however, explain why she did not respond to the letter sent from MWA advising her that she was being scheduled for triage. She did not participate in triage, and has not shown good cause for not participating in re-engagement activities.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it terminated Claimant's FIP benefits.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Darryl T. Johnson
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 10, 2014

Date Mailed: January 10, 2014

NOTICE OF APPEAL: 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.

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).

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

DTJ/las

cc: [redacted]