

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

**IN THE MATTER OF:**

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

Reg. No.: 2014 21094  
Issue No.: 1008  
Case No.: ██████████  
Hearing Date: February 3, 2014  
County: Wayne (17)

**ADMINISTRATIVE LAW JUDGE:** Lynn M. Ferris

**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 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on February 3, 2014 from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ FIP Case Manager.

**ISSUE**

Did the Department properly close Claimant's Family Independence Program (FIP) case (cash assistance for 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 benefits and was assigned on several occasions to attend the PATH program and was attending the PATH program.
2. The Claimant advised the PATH program that he would be out of town to retrieve his minor son and would return to PATH.

3. The Claimant traveled to Alabama and was jailed on October 22, 2013. The Claimant was able to post bond on December 6, 2013. During the time in jail he was unable to contact the PATH program.
4. On October 21, 2013 the PATH program notes that Claimant was placed on activity hold due to personal reasons until October 24, 2013. The Claimant was to provide documentation to career coach by October 25, 2013.
5. A Notice of Noncompliance was sent to the Claimant on November 14, 2013 to attend a triage on November 21, 2013.
6. The Claimant did not attend the triage and no good cause was found.
7. The Department issued a Notice of Case Action on November 21, 2013 closing his FIP cash assistance effective December 1, 2013 for noncompliance with PATH requirements and imposed a three month sanction.
8. On December 10, 2013, Claimant filed a hearing request disputing the Department's actions concerning the closure of his FIP case (cash assistance) due to noncompliance with the PATH Program.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

Additionally, the issue to be determined is whether the Department properly closed Claimant's FIP case and applied a three-month sanction to the case for failure by the Claimant to participate in employment-related activities without good cause.

Based upon the records presented the Claimant was attending the PATH program until October 21, 2013 at which time he left Michigan to retrieve his minor son from Alabama from his ex-wife, who refused to return the child. Thereafter, the Claimant was jailed on October 22, 2013. Based upon this testimony it is determined that the Claimant did have good cause not to attend the PATH program during the period he was in jail in Alabama through no fault of his own and due to circumstances not within his control.

In addition, after listening to all the testimony it is determined that the Claimant could not attend due to reasons outside of his control as it does appear he was improperly incarcerated and that he had previously advised the PATH program of his absence. Based upon the evidence presented and the credible testimony of the Claimant, the reason he did not return or continue to attend PATH was due to a condition not within his control and therefor had good cause. BEM 233A pp. 6, January 1, 2013).

**DECISION AND ORDER**

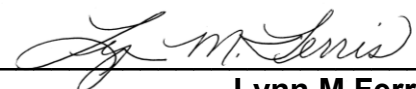
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department:

Did not act properly when it closed Claimant's FIP case, applied a sanction to the FIP case closing it for three months due to noncompliance with work participation requirements without good cause.

Accordingly, the Department's decision is  AFFIRMED  REVERSED for the reasons stated on the record and above.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall reinstate the Claimant's FIP case and process the case accordingly, including removing the three month sanction imposed by the Department for failure to show good cause at the triage.
2. The Department shall issue a FIP supplement for any FIP benefits the Claimant was otherwise entitled to receive in accordance with Department Policy.



**Lynn M Ferris**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: February 12, 2014

Date Mailed: February 12, 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

LMF/cl

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