

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201420845
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: February 4, 2014
County: Kent

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 February 4, 2014. Claimant and her mother appeared and testified. Participants from the Department included CM [REDACTED] and FIM [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 October 25, 2013, Claimant signed a Family Self-Sufficiency Plan (FSSP) personal contract to engage in agreed upon activities. (Pages 2 & 3).
- (3) For the week beginning November 3, 2013, Claimant did not meet her weekly activity requirement. (Page 4)

- (4) On November 14, 2013, Claimant was sent a Notice of Non-Compliance (DHS-2444) which scheduled a meeting for November 20, 2013. Claimant was also sent a Notice of Case Action (DHS-1605) stating that the Family Independence Program (FIP) would be sanctioned.
- (5) On November 18, 2013, Claimant participated in a meeting by telephone regarding her noncompliance. Claimant was informed she heeded to provide verification of good cause for not completing any activity for the week beginning November 3, 2013, by November 21, 2013.
- (6) On November 21, 2013, no good cause had been provided and the Department determined Claimant's Family Independence Program (FIP) should be sanctioned.
- (7) On December 20, 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.

The Department of Human Services Bridges Eligibility Manual (BEM) 233A (2013) definition of noncompliance with employment related and/or self-sufficiency related activities includes "failing or refusing to comply with activities assigned on the FSSP". (Page 2)

Claimant does not dispute entering the FSSP contract. The contract required Claimant to attend all counseling, therapy and Doctor appointments. The contract specifically states "During the time that you are receiving cash assistance from the FIP, you are expected to engage in the activities agreed to in this contract. If you have difficulty doing these activities as planned, let your DHS or your PATH worker know the same day or as soon as you can. Otherwise, noncompliance with the agreed upon activities could result in case closure."

The parties agreed that Claimant was expected to do one activity per week. The Weekly Activity Log (DHS-630) which Claimant submitted for the week beginning November 3, 2013, listed receiving medications in the mail as the activity. There is also a note stating "no scheduled apts w/ new meds not feeling well".

Claimant does not dispute that she did not call her DHS case worker before submitting the Weekly Activity Log (DHS-630) for the week beginning November 3, 2013.

Claimant does not dispute that she did not provide any additional information as requested to show good cause.

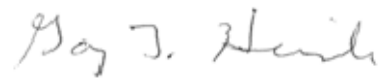
Claimant asserts that she met the FSSP participation requirements because she received medication in the mail and was not scheduled for any counseling, therapy or Doctor appointments the week beginning November 3, 2013. DHS CM Strom testified that it is Claimant who chooses what activities they will engage in to meet their FSSP contract obligations.

Evidence presented at the hearing is not sufficient to establish that Claimant met her FSSP contract obligations for the week beginning November 3, 2013. Neither does the evidence show that she had good cause for not meeting her FSSP contract obligations for the week beginning November 3, 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 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**.



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

Date Signed: 02/06/2014

Date Mailed: 02/07/2014

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:

