

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201421244
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: February 4, 2014
County: Muskegon

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 appeared and testified. Participants from the Department included MWA worker [REDACTED], FIS [REDACTED], and FIM [REDACTED].

ISSUE

Did the Department properly sanction Claimant's Family Independence Program (FIP) beginning December 1, 2013, for failure to participate in employment and/or self-sufficiency related activities?

Did the Department of Human Services properly deny Claimant's December 17, 2013, application for Family Independence Program (FIP) benefits?

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. It was mandatory for Claimant to participant in Partnership, Accountability, Training, Hope (PATH).
- (2) On October 1, 2013, Claimant moved.
- (3) On October 11 2013, Claimant went to PATH and dropped off her activity logs for the weeks of September 22 & 29, 2013. Claimant did not report her change of address.

- (4) On October 16, 2013, Claimant had not submitted her activity log for the week beginning October 6, 2013.
- (5) On October 17, 2013, PATH sent a noncompliance warning letter to Claimant at her old address because she had not reported a new address to either PATH or DHS. The letter scheduled a re-engagement meeting for October 24, 2013.
- (6) On October 24, 2013, Claimant did not attend the PATH re-engagement meeting. Claimant called her DHS case worker and reported her new address. A Notice of Non-Compliance (DHS-2444) was sent to Claimant at her newly reported address. The notice scheduled a triage meeting for October 31, 2013. Claimant was also sent a Notice of Case Action (DHS-1605) stating that the Family Independence Program (FIP) and Food Assistance Program (FAP) would be sanctioned beginning December 1, 2013.
- (7) On October 31, 2013, Claimant did not attend 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.
- (8) On December 17, 2013, Claimant submitted an application for Family Independence Program (FIP) benefits. Claimant was sent a Notice of Case Action (DHS-1605) which stated her application was denied.
- (9) On December 30, 2013, Claimant submitted two requests 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.

In this case Claimant does not dispute that she did not submit activity logs after the week beginning September 29, 2013, or that she failed to attend the PATH re-engagement meeting on October 24, 2013, or that she failed to attend the triage meeting on October 31, 2013. During this hearing Claimant testified that she moved on October 1, 2013. Claimant does not dispute receiving the Notice of Non-Compliance (DHS-2444) sent to her new address.

The definition of noncompliance in Department of Human Services Bridges Eligibility Manual (BEM) 233A Failure to Meet Employment and/or Self-Sufficiency Related Requirements: FIP (2013) includes all three of the transgressions listed above.

Claimant testified that she waited to report moving because she was not sure if things were going to work out at the new residence. Absolutely no documentation or verification was presented as good cause for any of the three acts of noncompliance established by the evidence in this case.

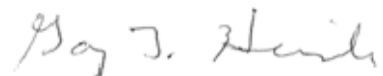
The Departmental action of sanctioning Claimant's Family Independence Program (FIP) is upheld. Since the Department properly sanctioned Claimant's Family Independence Program (FIP) beginning December 1, 2013, her December 17, 2013, Family Independence Program (FIP) application was properly denied.

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.

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 denied Claimant's December 17, 2013, application for Family Independence Program (FIP) benefits.

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: 02/07/2014

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:

