

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

IN THE MATTER OF:



Reg. No.: 201422039
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: February 12, 2014
County: Monroe

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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, telephone hearing was held on Wednesday, February 12, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], PATH.

ISSUE

Did the Department properly close Claimant's case 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 received FIP benefits.
2. On December 28, 2013, the Department closed Claimant's case due to failure to participate.
3. On December 28, 2013, the Department sent Claimant notice of its decision.
4. On January 8, 2014, Claimant filed a hearing request, protesting the Department's actions.

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, Claimant was an ongoing Family Independence Program (FIP) benefit recipient. On November 15, 2013, the Claimant's husband's PATH deferral was denied by the Medical Review Team, where the Claimant's husband was determined to not be disabled and able to participate in the PATH program with limitations. Department Exhibit A-C. The Department referred the Claimant's husband to the PATH program as a condition of receiving FIP benefits. On December 9, 2013, the Claimant received a PATH Appointment Notice (DHS-4785) for the Claimant's husband to attend PATH on December 16, 2013 because the Medical Review Team (MRT) determined that the Claimant's husband could attend PATH. Department Exhibit D-E. On December 28, 2013, the Claimant was sent a Notice on Noncompliance (DHS-2444) requesting a triage meeting take place on January 9, 2014. Department Exhibit F-G. On December 28, 2013, the Department Caseworker sent the Claimant a notice that her case would close effective February 1, 2014 for 3 months due to a 1st PATH noncompliance where the Claimant could reapply during the last month of her sanction. Department Exhibit H-I. The Claimant's husband was noncompliant with the PATH program on December 26, 2013 because he failed to attend PATH, which he was required to attend since his PATH deferral was denied. The Department conducted a triage meeting on January 9, 2014 and it was determined that the Claimant's husband did not have good cause for noncompliance with the PATH program. BEM 229, 230A, and 233A.

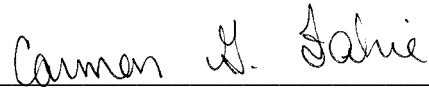
During the hearing, the Claimant stated that they did not receive the PATH appointment notice. The Claimant moved December 7, 2013, but did not report to the Department that they had moved until January 14, 2014. The Department Caseworker testified that the notices were not returned to the Department as undeliverable. It is the Claimant's responsibility to report to the Department within 10 days when an address change has occurred. The Claimant also testified that her husband was in the hospital during the contested time period, but did not provide any hospital records to verify.

Based on the evidence and testimony available during the hearing, the Department's determination that the Claimant did not have good cause for PATH noncompliance with the PATH program is reasonable. The Department has established that it acted properly when it closed the Claimant's FIP benefits for noncompliance with the PATH program. This is the Claimant's 1st sanction where her FIP benefits will be cancelled for 3 months, but the Claimant can reapply during the last month of her sanction.

The Administrative Law Judge, based upon 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 closed the Claimant's FIP case as a 1st sanction for 3 months for failure to participate in PATH.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Carmen G. Fahie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 21, 2014

Date Mailed: February 21, 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

201422039/CGF

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

CGF/aca

cc:

