IN THE MATTER OF:

████████████████████

████████████████████

Reg. No.:	2014-27250
Issue No.:	1008
Case No.:	████████
Hearing Date:	March 12, 2014
County:	Genesee #02

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, March 12, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant and her ████████ ████████████████████. Participants on behalf of the Department of Human Services (Department) included ████████████████, PATH and ████████████, ES and HC.

ISSUE

Did the Department properly ☒ close Claimant's case for:

☒ Family Independence Program (FIP)? ☐ State Disability Assistance (SDA)?
☐ Food Assistance Program (FAP)? ☐ Child Development and Care (CDC)?
☐ Medical Assistance (MA)? ☐ Direct Support Services (DSS)?
☐ Adult Medical Assistance (AMP)? ☐ State SSI Payments (SSP)?

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 January 29, 2014, the Department ☒ closed Claimant's case due to failure to participate in the PATH program.

3.   On January 29, 2014, the Department sent Claimant its decision.

4.   On February 12, 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, the Claimant was an ongoing FIP recipient. The Department had referred the Claimant's Husband to the PATH program as a condition of receiving FIP benefits. Department Exhibit 20.   The Claimant's ▇▇▇▇ was noncompliant with the PATH program on January 3, 2014 because he failed to complete assignments for the weeks of December 29, 2013 through January 24, 2014. Department Exhibit 13.   On January 29, 2014, the Department Caseworker sent the Claimant a Notice on Noncompliance, DHS 2444, for a triage meeting on February 5, 2014.   Department Exhibit 14-15. The Department conducted a triage meeting on February 5, 2014 where the Claimant was a no call/no show and it was determined that the Claimant did not have good cause for noncompliance with the PATH program. BEM 233A and 233B.

During the hearing, the Claimant's ▇▇▇▇ stated that he had a ▇▇▇▇ on January 10, 2014, but failed to provide a ▇▇▇▇▇▇▇ as is required by policy. On January 29, 2014, the Claimant called on behalf of her ▇▇▇▇ that he was sick so he was able to attend the re-engagment appointment.   As a result, the Claimant's ▇▇▇▇ case was sent to triage. Department Exhibit 13. The Claimant and her ▇▇▇▇ was a no call/no show for the triage meeting on February 5, 2014. The Claimant reported during the hearing that they moved to ▇▇▇▇ ▇▇▇▇▇▇▇▇▇▇▇▇▇▇▇ on January 7 or 8, 2014 and reported to DHS on February 1, 2014 a change of address, but never reported a change of address to PATH. The Department Caseworker stated that a copy of the ▇▇▇▇ was received to the Department on February 7, 2014. The Department's policy requires that the Claimant report a change of address to the Department within 10 days. The triage appointment notice was mailed to the Claimant's old address on January 29, 2014 for a meeting on February 5, 2014. The Claimant also has the responsibility to update her change of address with the local Post Office so that her mail can be forwarded.
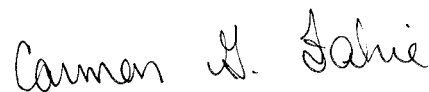
Based on the evidence and testimony available during the hearing, the Department's determination that the Claimant did not have good cause for PATH noncompliance with the PATH program is reasonable.   The Department has established that it acted properly when it closed the Claimant's FIP benefits for noncompliance with the PATH

program. This is the Claimant's 2nd sanction where her FIP benefits will be cancelled for 6 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 for not participating with the PATH program for 2nd noncompliance.
☐ did not act in accordance with Department policy when it   .

DECISION AND ORDER

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

Carmen G. Fahie

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

Date Signed: 3/21/14

Date Mailed: 3/21/14

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 Claimant;

- 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

CGF/tb

cc: