

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

IN THE MATTER OF:

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

Reg. No.: 2014-14404
Issue No.: 1008
Case No.: ██████████
Hearing Date: March 17, 2014
County: Oakland (63-04)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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, an in-person hearing was held on March 17, 2014, from Pontiac, Michigan. Participants on behalf of Claimant included Claimant ██████████
██████████ Participants on behalf of the Department of Human Services (Department) included ██████████
██████████

ISSUE

Whether the Department properly closed Claimant's Family Independence Program (FIP) case for "refusing employment"?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On October 25, 2013, the Department was notified that Claimant was not in compliance with employment-related activities by refusing employment.
2. On October 25, 2013, a notice of noncompliance was issued to Claimant which included a TRIAGE appointment for November 1, 2013.
3. On November 1, 2013, a TRIAGE was scheduled to be held. Claimant failed to attend the TRIAGE.

4. On November 15, 2013, Claimant filed a hearing request.

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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

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.

In the instant case, Claimant was an active recipient of FIP benefits. Claimant had been working while receiving FIP benefits. Claimant lost her employment due to absenteeism. The Department, upon discovery of Claimant losing her employment, made a collateral contact with the employer and confirmed that Claimant was fired for absenteeism. The Department scheduled a TRIAGE for November 1, 2013, at 1 p.m. Claimant failed to appear for the TRIAGE. The Department initiated case closure and sanction based upon Claimant not appearing for the TRIAGE. The testimony and evidence submitted demonstrated the Department did not complete the TRIAGE and took action on the Claimant's case without making a good cause determination.

Department policy requires individuals to participate in employment and self-sufficiency-related activities and to accept employment when offered. The focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. BEM 233A, p. 1(January 2013).

According to Department policy, PATH participants will not be terminated from PATH without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A p. 9 (July 2013).

After reviewing the evidence submitted, this Administrative Law Judge finds the Department failed to complete a TRIAGE and determine good cause. The Department initiated scheduling a TRIAGE appointment, but has not demonstrated a TRIAGE was conducted resulting in a good cause determination. As indicated by the above policy, prior to terminating benefits, the Department must determine good cause.

DECISION AND ORDER

Accordingly, the Department's decision is REVERSED.

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. Initiate removal of the sanction on Claimant's case;
2. Reinstate FIP benefits;
3. Schedule and conduct a TRIAGE according to policy regarding Claimant's loss of employment;
4. Issue a notice of case action.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 20, 2014

Date Mailed: March 20, 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:

2014-14404/JWO

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

JWO/pf

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