

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

IN THE MATTER OF:



Reg. No.: 201426373
Issue No.: 1008; 2000
Case No.: [REDACTED]
Hearing Date: April 3, 2014
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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, a telephone hearing was held on April 3, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED], Claimant's mother. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Specialist.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case?

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 FIP benefits.
2. Claimant applied for a deferral from participation in the PATH program alleging she was disabled and unable to work.
3. On October 26, 2013, the Medical Review Team (MRT) concluded that Claimant was "not disabled/work ready with limitations" and denied the deferral.
4. On November 1, 2013, the Department sent Claimant a PATH Appointment Notice requiring that she attend the PATH orientation on November 12, 2013.

5. Claimant did not attend the November 12, 2013 PATH orientation.
6. On November 20, 2013, the Department sent Claimant (i) a Notice of Noncompliance notifying her of the PATH noncompliance and scheduling a triage on November 26, 2013 and (ii) and a Notice of Case Action notifying her that her FIP case would close effective January 1, 2014, because she had failed, without good cause, to comply with employment-related activities.
7. Claimant did not attend the triage and the Department concluded, based on the information it had, that there was no good cause for Claimant's noncompliance.
8. The Department applied a three month sanction to Claimant's FIP case.
9. On January 21, 2014, Claimant filed a hearing request disputing the Department's actions concerning her FIP and Medical Assistance (MA) cases.

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.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

As a preliminary matter, it is noted that Claimant requested a hearing concerning her FIP and MA cases. However, at the hearing, she indicated that she had requested the hearing to address the closure of her FIP case. Accordingly, Claimant January 21, 2014 hearing request concerning the MA issue is dismissed.

Additionally, as a condition of continued FIP eligibility, work eligible individuals are required to participate in a work participation program or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (October 2013), p. 1; BEM 233A (July 2013), p. 1. A client is in noncompliance with her FIP obligations if she fails or refuses, without good cause, to

participate in employment and/or self-sufficiency-related activities. BEM 233A, p. 2. Before terminating a client from the work participation program and closing her FIP case, the Department must schedule a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A, p. 9.

In this case, after MRT denied Claimant's request for a PATH deferral, the Department sent Claimant a PATH Appointment Notice requiring her to attend a November 10, 2014, PATH orientation. When Claimant failed to attend the orientation, the Department sent her a Notice of Noncompliance notifying her of her noncompliance and scheduling a triage and a Notice of Case Action informing her of the pending closure of her FIP case. Claimant was not present at the triage. The Department held it in her absence and, based on the information it had, concluded that she had no good cause for her failure to attend the PATH orientation.

At the hearing, the Department established that all three notices at issue, the PATH Appointment Notice, the Notice of Noncompliance, and the Notice of Case Action, were sent to Claimant at her Woodbine address in Detroit. Claimant contended that she did not receive any of the notices sent because she had moved in with her mother in Inkster. The Department contended that it was not notified of Claimant's change of address until she filed her January 21, 2014 request for hearing, and all of the notices were sent to Claimant at her address of record at the time they were sent.

A client is required to report changes in address within 10 days of the change. BAM 105 (October 2013), pp. 9-10. Changes can be reported in person, by mail or by telephone. BAM 105, p. 10. In this case, Claimant credibly testified that she called her Department worker in July 2013 and left her a voicemail message reporting that she was living with her mother at an Inkster address. Claimant recalled details concerning the time at which, and place from which, she made her call, and her testimony was corroborated by her mother. Because the Department sent the Appointment Notice and the Notice of Noncompliance scheduling the triage to Claimant to addresses where she was not residing at the time the notices were sent and Claimant had timely reported her change of address, Claimant established that she did not receive the notices sent to her and had good cause for not attending the PATH orientation or the triage.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it closed Claimant's FIP case.

DECISION AND ORDER

Claimant's January 21, 2014, hearing request concerning MA benefits is DISMISSED.

For the reasons cited above, the Department's FIP 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. Remove any FIP employment-related sanction applied to Claimant's record on or about January 1, 2014;
2. Reinstate Claimant's FIP case effective January 1, 2014; and
3. Issue supplements to Claimant for any FIP benefits she was eligible to receive but did not from January 1, 2014, ongoing.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 14, 2014

Date Mailed: April 14, 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:

2014-26373/ACE

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

ACE/tif

cc:

