

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

IN THE MATTER OF:

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

Reg. No.: 2014-28069
Issue No(s): 1008
Case No.: ██████████
Hearing Date: March 20, 2014
County: Wayne (17)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 March 20, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and Interpreter, ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████, Family Independence Specialist/Case Manager.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case for failure to participate in employment-related activities?

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 is an ongoing FIP recipient.
2. Claimant and her husband had sought a deferral from participation in the PATH program based on the husband's disability and Claimant's need to care for him.
3. On or about October 1, 2013, Claimant and her husband were referred to the PATH program following a review from the Medical Review Team (MRT) finding that her husband was work-ready with limitations.

4. On December 3, 2013, Claimant and her husband appeared for their PATH appointment but were not allowed to remain following the presentation of a Medical Needs form.
5. On December 14, 2013, the Department sent Claimant and her husband a Notice of Noncompliance and scheduled a triage for December 26, 2013.
6. Also on December 14, 2013, the Department sent Claimant a Notice of Case action indicating that the group's FIP case would close effective January 1, 2014.
7. Claimant and her husband appeared for the triage and presented new medical documentation relating to her husband's medical condition.
8. The Department found that Claimant and her husband did not have good cause for failing to attend the PATH appointment.
9. On February 12, 2014, Claimant filed a request for hearing disputing 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), 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.

Additionally, Department policy requires that at intake, redetermination or any time during an ongoing benefit period, when an individual claims to be disabled or indicates an inability to participate in work or PATH for more than 90 days because of a mental or physical condition, the client should be deferred in Bridges while a disability determination is made. Conditions include medical problems such as mental or physical injury, illness, impairment or learning disabilities. BEM 230A (October 2013), p. 12.

On October 1, 2013, Claimant and her husband were referred to PATH following a decision by the Medical Review Team (MRT) that her husband was work-ready with limitations. Claimant and her husband appeared for the December 3, 2013 PATH appointment. Claimant testified that once the PATH worker viewed the completed Medical Needs – PATH form (Exhibit 7), she and her husband were not allowed to remain.

The Department scheduled a triage meeting to be held on December 26, 2013. Claimant and her husband appeared for the triage meeting. Claimant testified that she brought new medical documentation to the triage and showed it to the worker. Claimant further testified that the new medical documentation was dated for October 2013 and November 2013, after September 30, 2013 when MRT found her husband to be work-ready. The Department concluded that the medical documents submitted by Claimant involved the same medical condition reviewed by MRT. However, once Claimant provided new medical documentation, a deferral should have been processed. BEM 230A, p. 16. Instead, Claimant and her husband were placed in noncompliance and subsequently sent a Notice of Case Action indicating that the group's cash assistance would close effective January 1, 2014.

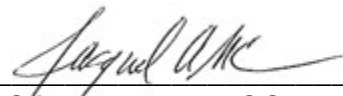
Because the Department failed to properly place Claimant and her husband in deferral status and process the new medical documentation, the Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it closed Claimant's FIP case.

DECISION AND ORDER

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. Reinstate Claimant's FIP benefits effective January 1, 2014;
2. Remove the FIP employment-related sanctions applied to Claimant's and her husband's records; and
3. Issue supplements to Claimant for FIP benefits she was eligible to receive but did not from January 1, 2014, ongoing.



JACQUELYN A. MCCLINTON
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 27, 2014

Date Mailed: March 27, 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:

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

JAM/cl

cc:

[Redacted]
[Redacted]
[Redacted]
[Redacted]
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