

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

IN THE MATTER OF:



Reg. No.: 2014-28126
Issue No(s): 1008
Case No.: [REDACTED]
Hearing Date: March 19, 2014
County: St. Clair

ADMINISTRATIVE LAW JUDGE: Michael S. Newell

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 19, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] (PATH coordinator) and [REDACTED] (case manager).

ISSUE

Did the Department properly sanction Claimant's FIP benefits for PATH noncompliance?

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 January 27, 2014, Claimant began community service as part of the PATH/work first program.
2. Claimant missed her scheduled Community service on January 29th and 30th of 2014.
3. Claimant understood that failure to attend when scheduled or being a no-call, no-show could result in Claimant being found non-compliant, and Claimant signed a form indicating that she was aware of this on January 23, 2014 (Exhibit 2).
4. This form informed Claimant that she would need to contact the "host agency" if she could not attend for a date scheduled.

5. The contact person for the host agency was [REDACTED] (Site Contact), and her contact information was stated on Exhibit 2, as well as contact information for [REDACTED], as the CSP Specialist.
6. Claimant was a no-call, no show on January 29, 2014.
7. On January 30, 2014, Claimant called the site contact, [REDACTED] and was told to contact [REDACTED].
8. On February 5, 2014, the Department issued a Notice of Noncompliance (see Exhibit 3). The Department elected to hold the triage early after Claimant called non February 5, 2014 (see Exhibit 1).
9. On February 5, 2014, Claimant informed the Department during the triage that she called the site on January 30, 2014 and was told to call [REDACTED], which she did. (See Exhibit 1).
10. On February 6, 2014, the Department issued a Notice of Case Action closing Claimant's FIP benefits from March 1, 2014 to May 31, 2014 for noncompliance with the PATH program.

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).

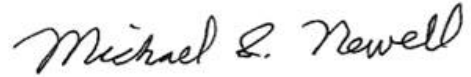
The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

Additionally, Claimant was noncompliant with the PATH program on January 29, 2013 without good cause. Claimant did not contact the site contact on or before January 29, 2013 or take reasonable efforts to do so. Accordingly, the sanction imposed is proper under BEM 233A.

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 acted in accordance with Department policy when it sanctioned Claimant for PATH noncompliance.

DECISION AND ORDER

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



Michael S. Newell
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 28, 2014

Date Mailed: March 28, 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.

2014-28126/MSN

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

MSN/las

cc:

