

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

IN THE MATTER OF:



Reg. No.: 201428579
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: March 20, 2014
County: Wayne (35)

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 March 20, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. 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 based on a failure to participate in employment-related activities without good cause?

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. As part of Claimant's PATH participation, Claimant was required to verify 20 hours of weekly job search and readiness beginning November 4, 2013.
3. Claimant did not comply with her requirements.
4. On December 17, 2013, Claimant signed a reengagement letter with the PATH program agreeing to complete assigned activities and turn in required documentation.

5. After Claimant's noncompliance continued, the PATH program notified the Department of the noncompliance and requested that the Department schedule a triage.
6. On February 3, 2014, the Department sent Claimant (i) a Notice of Noncompliance notifying her that she had failed to comply with the work participation program and scheduling a triage on February 13, 2014, and (ii) a Notice of Case Action notifying her of the closure of her FIP case effective March 1, 2014, based on her noncompliance with employment-related activities without good cause.
7. Claimant did not attend the triage.
8. The Department concluded that Claimant did not have good cause for her noncompliance.
9. The Department sanctioned Claimant's FIP case for closure for a three-month minimum.
10. On February 24, 2014, Claimant filed a request for hearing disputing the Department's actions concerning her FIP case.

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, 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 for provide legitimate documentation of work participation. BEM 233A, p. 2.

In this case, the Department testified that, as part of her PATH requirements, Claimant was required to provide written documentation of 20 hours of weekly job readiness and job search. Specifically, Claimant was required to submit logs showing job searches

and community service. The Department presented documentation showing that Claimant had failed to comply with her requirements.


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, Claimant did not attend the February 13, 2014 triage but called before the triage date to explain that she could not attend because she had a class. There was no evidence that Claimant was afforded the opportunity to participate by phone or to reschedule the hearing. See BEM 233A, p. 9. Therefore, Claimant's good cause explanation for failing to comply with the PATH program is considered.

At the hearing, Claimant explained that she was attending college and had hoped to use her school hours towards her PATH requirements. However, the Department established that Claimant had failed to provide requested verification of school attendance. Claimant also contended that she had attempted to participate in community service at a local church but her PATH worker refused to accept her documentation because the program was not approved by PATH. Claimant acknowledged that she did not verify whether the program was approved by PATH before participating in it. Under these facts, Claimant failed to establish good cause for her noncompliance.

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 closed Claimant's FIP case. Because this was Claimant's first incident of noncompliance, the Department properly closed her case for a three-month minimum. BEM 233A, p. 8.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.


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

Date Signed: March 26, 2014

Date Mailed: March 26, 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

ACE/tif

cc:



