

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

IN THE MATTER OF:

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Reg. No.: 14-000892
Issue No.: 1008; 3007
Case No.: ██████████
Hearing Date: May 19, 2014
County: WAYNE-DISTRICT 41

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 three-way telephone hearing was held on May 19, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ ██████████ Hearings Coordinator; and ██████████ ██████████, Career Coach from the Partnership. Accountability. Training. Hope. (PATH) program.

ISSUES

Whether the Department properly closed Claimant's case for Family Independence Program (FIP) benefits based on Claimant's failure to participate in employment and/or self-sufficiency related activities without good cause?

Whether the Department properly reduced Claimant's Food Assistance Program (FAP) benefits based on Claimant's failure to participate in employment and/or self-sufficiency 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 and FAP benefits. See Exhibit 1.
2. For the PATH program, Claimant was required to submit weekly educational and/or job search logs.

3. On or around the end of February 2014 to March 2014, Claimant suffered an injury and was unable to fully participate in the PATH program.
4. On March 10, 2014, Claimant met with her PATH caseworker to discuss her inability to fully participate with the PATH program.
5. On March 12, 2014, the PATH program sent Claimant a Noncompliance Warning Notice, which stated Claimant became noncompliant as of March 10, 2014, due to her failure to submit medical documentation and lack of attendance. See Exhibit 1.
6. On March 12, 2014, the Noncompliance Warning Notice also notified Claimant to attend a reengagement appointment scheduled on March 17, 2014. See Exhibit 1.
7. On March 17, 2014, Claimant attended her PATH reengagement and signed a PATH Reengagement Agreement. See Exhibit 1.
8. On March 17, 2014, Claimant provided medical documentation to show her inability participate in the PATH program temporarily.
9. On March 17, 2014, the PATH program accepted the temporary medical hold; however, requested that Claimant provide additional medical documentation before March 31, 2014.
10. Between March 17, 2014 to March 31, 2014, Claimant submitted additional medical documentation, however, the PATH program found the documentation to be incomplete.
11. On March 31, 2014, the PATH program sent Claimant a Triage Meeting Notice, which stated she failed to comply with the reengagement agreement. See Exhibit 1.
12. On March 31, 2014, the Department mailed Claimant a Notice of Noncompliance scheduling Claimant for a triage appointment on April 7, 2014. Exhibit 1.
13. On March 31, 2014, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case, effective May 1, 2014, based on a failure to participate in employment and/or self-sufficiency related activities without good cause. Exhibit 1.
14. On March 31, 2014, the Notice of Case Action also notified the Claimant that her FAP benefits were reduced effective May 1, 2014, to the amount of \$497 because she failed to participate in employment and/or self-sufficiency related activities without good cause. Exhibit 1.
15. On April 1, 2014, a Medical Needs form was mailed to the Claimant in order for her physician to complete.

16. On April 7, 2014, Claimant attended her triage appointment; however, the Department found no good cause for Claimant's failure to attend any employment and/or self-sufficiency related activities.
17. On April 7, 2014, Claimant filed a hearing request, disputing the Department's action. See Exhibit 1.

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, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

FIP benefits

Federal and state laws require each work eligible individual (WEI) in the FIP group to participate in PATH or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (October 2013), p. 1. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. BEM 230A, p. 1.

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 (July 2013), p. 9. Good cause is determined during triage. BEM 233A, p. 9. Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the noncompliant person and must be verified. BEM 233A, p. 3. Good cause includes any of the following: employment for 40 hours/week, physically or mentally unfit, illness or injury, reasonable accommodation, no child care, no transportation, illegal activities, discrimination, unplanned event or factor, long commute or eligibility for an extended FIP period. BEM 233A, pp. 3-5.

In this case, Claimant was an ongoing recipient of FIP and FAP benefits. See Exhibit 1. For the PATH program, Claimant was required to submit weekly educational and/or job search logs. For the week ending February 23, 2014, the Department testified that Claimant submitted hours for her job search and/or education logs. However, the PATH worker testified that the non-compliance occurred on or around the end of February 2014 to March 2014, in which Claimant only submitted seven hours for education logs.

On March 10, 2014, Claimant met with her PATH worker to discuss her inability to fully participate with the PATH program. The PATH worker testified that Claimant presented medical documentation showing her inability to participate for two weeks and was supposed to make a copy for her, and also the PATH worker requested additional medical documentation. However, the PATH worker testified that Claimant never provided a copy of the medical documentation. On the other hand, Claimant testified that she did show the medical documentation, which included a medically excused absence from March 6, 2014 to March 30, 2014. See Exhibit A.

On March 12, 2014, the PATH program sent Claimant a Noncompliance Warning Notice, which stated Claimant became noncompliant as of March 10, 2014, due to her failure to submit medical documentation and lack of attendance. See Exhibit 1. On March 12, 2014, the Noncompliance Warning Notice also notified Claimant to attend a reengagement appointment scheduled on March 17, 2014. See Exhibit 1.

On March 17, 2014, Claimant attended her PATH reengagement and signed a PATH Reengagement Agreement. See Exhibit 1. On March 17, 2014, the PATH worker testified that Claimant provided medical documentation to show her inability to participate in the PATH program until the end of March 2014. It appeared that the PATH worker obtained Claimant's medically excused absence notice on March 17, 2014. See Exhibit A. Thus, the PATH worker stated it accepted the temporary medical hold; however, requested that Claimant provide additional medical documentation before March 31, 2014 (i.e., Medical Needs form). Based on Claimant's testimony, it appeared that she provided other additional medical documentation (i.e., health assessment form). Ultimately, the PATH worker testified that Claimant contact her DHS caseworker and obtain a Medical Needs form to indicate her inability to participate.

Between March 17, 2014 to March 31, 2014, Claimant submitted additional medical documentation, however, the PATH program found the documentation to be incomplete. Specifically, the medical documentation included a doctor's note indicating rheumatology/chronic myalgia dated March 27, 2014 and a medically excused absence for a time period in November 2013. See Exhibit 1.

On March 31, 2014, the PATH program sent Claimant a Triage Meeting Notice, which stated she failed to comply with the reengagement agreement. See Exhibit 1. On March 31, 2014, the Department mailed Claimant a Notice of Noncompliance scheduling Claimant for a triage appointment on April 7, 2014. Exhibit 1.

Also, on March 31, 2014, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case, effective May 1, 2014, based on a failure to participate in

employment and/or self-sufficiency related activities without good cause. Exhibit 1. On March 31, 2014, the Notice of Case Action also notified the Claimant that her FAP benefits were reduced effective May 1, 2014, to the amount of \$497 because she failed to participate in employment and/or self-sufficiency related activities without good cause. Exhibit 1. On April 1, 2014, a Medical Needs form was mailed to the Claimant in order for her physician to complete.

On April 7, 2014, before the scheduled triage appointment, Claimant testified she provided a Medical Needs form to her DHS caseworker that was completed by her physician. However, there was no evidence presented by either party of a copy of the Medical Needs form being submitted. Claimant, though, testified her physician indicated that she was work-ready with limitations. See BEM 230A, pp. 14-15. It should be noted that Claimant testified that the DHS caseworker stated it needed additional information, but that the worker accepted it. Eventually, Claimant attended her triage appointment; however, the Department found no good cause for Claimant's failure to attend any employment and/or self-sufficiency related activities. On April 7, 2014, Claimant filed a hearing request, disputing the Department's action. See Exhibit 1.

Good cause includes that the client has a debilitating illness or injury, or a spouse or child's illness or injury requires in-home care by the client. See BEM 233A, p. 5. Moreover, persons with a mental or physical illness, limitation, or incapacity expected to last less than three months and which prevents participation may be deferred for up to three months. BEM 230A, p. 11. The Department verifies the short-term incapacity and the length of the incapacity using a DHS-54A, Medical Needs, or DHS-54E, Medical Needs - PATH, or other written statement from an M.D./D.O./P.A. BEM 230A, pp. 11-12. The Department sets the medical review date accordingly, but not to exceed three months. BEM 230A, p. 12.

Based on the foregoing information and evidence, the Department improperly closed Claimant's FIP benefits effective May 1, 2014, ongoing.

First, it was proper for the Department to find Claimant in noncompliance based on her inability to fully participate in the PATH program from on or around the end of February 2014 through March 2014. Claimant did not dispute her inability to participate and that she only submitted seven hours of education logs for this time period.

Second, though, the evidence presented a valid reason (good cause) for Claimant's noncompliance with the PATH program that is based on factors that are beyond her control and it was verified. See BEM 233A, p. 3. Good cause includes that the client has a debilitating illness or injury, or a spouse or child's illness or injury requires in-home care by the client. See BEM 233A, p. 5. Claimant provided several medical documents which would temporarily exclude her from the PATH program for March 2014. Moreover, Claimant provided a medical document that showed she was medically excused from March 6, 2014 to March 30, 2014. See Exhibit A. It was clear that both parties did not agree as to the dates the medical documents were provided. However, the PATH worker ultimately observed the medically excused absence

document and/or other documents indicated a medical hold. See Exhibits 1 and A. The Department kept indicating a need for additional medical evidence, i.e., a Medical Needs form, but stated it did not receive it. Claimant, though, credibly testified that she submitted a Medical Needs form the day of her triage and she stated it indicated work-ready with limitations.

Based on this information, the evidence presented a good cause reason for the noncompliance, which was verification that Claimant suffered an injury. See BEM 233A, pp. 3 and 5. Moreover, Claimant even provided credible testimony that she submitted a Medical Needs form that would have included a possible short-term incapacity deferral. See BEM 230A, p. 11. Nevertheless, Claimant indicated it stated she was work-ready with limitations and the Department will therefore reinstate her FIP benefits effective May 1, 2014, ongoing.

FAP benefits

Based on the above FIP analysis, the Department did not act in accordance with Department policy when it found that Claimant had failed to comply with employment-related activities without good cause and sanctioned Claimant's FIP case by closing it for a minimum six-month period. See BEM 233A, p. 1. Because the Department did not properly close Claimant's FIP case, it improperly reduced Claimant's FAP benefits by excluding her as a disqualified member of her FAP group. BEM 233B (July 2013), pp. 6-12.

DECISION AND ORDER


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 (i) improperly closed Claimant's FIP benefits effective May 1, 2014; and (ii) improperly reduced Claimant's FAP benefits by excluding her as a disqualified member of her FAP group effective May 1, 2014.

Accordingly, the Department's FAP and 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 Claimant's second FIP sanction/disqualification from her case;
2. Remove Claimant's first FAP sanction/disqualification from her case;
3. Reinstate Claimant's FIP case as of May 1, 2014;

4. Begin recalculating the FAP and FIP budgets for May 1, 2014, ongoing, in accordance with Department policy;
5. Issue supplements to Claimant for any FAP and FIP benefits she was eligible to receive but did not from May 1, 2014, ongoing; and
6. Notify Claimant in writing of its FIP and FAP decision in accordance with Department policy.


Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **5/21/2014**

Date Mailed: **5/21/2014**

EJF/cl

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

CC: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]