

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-002236
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: June 11, 2014
County: Kent #1

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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; 42 CFR 431.200 to 431.250; and 45 CFR 205.10. After due notice, a telephone hearing was held on June 11, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Manager, [REDACTED], Case Manager, [REDACTED], Hearings Facilitator, [REDACTED], Case Manager and [REDACTED], Eligibility Specialist.

ISSUE

Did the Department of Human Service (the Department) properly propose to cancel Claimant's Family Independence Program (FIP) benefits based upon its determination that Claimant did not attend mandatory PATH work-related activities?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On February 19, 2014, Claimant attended PATH orientation and was assigned a caseworker.
2. On March 7, 2014 Claimant signed a re-engagement agreement that she would attend all PATH activities.
3. On March 12, 13 and 14, 2014, Claimant missed mandatory work activities.
4. On March 12, 2014, Claimant told her caseworker that she could not complete the week of work activities because she was in a [REDACTED].

5. On March 24, 2014 the Department caseworker sent Claimant notice that she failed to comply with PATH related activities and that her case was scheduled to close effective May 1, 2014 for noncompliance.
6. On April 2, 2014, the triage was conducted. The caseworker found that Claimant did not have good cause for not meeting her work requirement.
7. On May 9, 2014, Claimant filed a request for a hearing to contest the negative action.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Claimants have the right to contest a Department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or Department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Department of Human Services requires Claimants to participate in employment and self-sufficiency related activities and to accept employment when offered. The focus is to assist Claimants in removing barriers so they can participate in those activities which lead to self-sufficiency. However, there are consequences for a Claimant who refuses to participate without good cause. Non-compliance may be an indicator of possible disabilities and the Department is considered further exploration of any barriers. BEM, Item 233A. As a compliance of eligibility Claimants must work or engage in employment and/or self-sufficiency related activities. Non-compliance of applicants, recipients and member adds, means doing any of the following without good cause:

In the instant case, the facts are not at issue. Claimant alleged that she was in a [REDACTED] and she could not attend the work related activities because she did not have adequate childcare. Claimant testified at the hearing that she called her caseworker and left voicemails and that she does have a [REDACTED] but she did

not have the [REDACTED] nor could she afford to pay five dollars to get a copy of the [REDACTED]. The case was not [REDACTED]. Claimant did not have injuries for which she received medical treatment. She did not have to live outside of her home. She did not notify the Department that she did not have adequate childcare. Claimant did not provide supporting documentation by 4 PM on April 2, 2014 of the reason that she was not attending work related activities. Claimant did not provide documentation at the hearing either, even when she was given time to go home as secure the police report number. Claimant did not establish good cause for her failure to attend work-related activities.

Good cause is a valid reason for non-compliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the non-compliant person. A Claimant with good cause must be verified for member adds and recipients.

The Department is to determine good cause during triage and prior to the negative action effective date. Good cause must be verified and can be based on information already in the file with the DHS or PATH program. The Department is to document the good cause determination on the sanction detail screen. If the Claimant does not provide good cause for reason for non-compliance determining good cause based on the best information available.

This Administrative Law Judge finds that the Department has established by the necessary competent, material and substantial evidence on the record that Claimant was non-compliant with Work First activities. Claimant did not provide verification to support her contention that she had domestic violence. Claimant did not provide information to her caseworker that she had no childcare. This Administrative Law Judge left the record open so that Claimant could provide at least the [REDACTED]. However, to date, Claimant is not provided that information to this Administrative Law Judge. Claimant did not establish good cause for failure to attend work-related activities.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department has established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with Department policy when it proposed to cancel Claimant's Family Independence Program benefits under the circumstances. This Administrative Law Judge finds that Claimant did not provide good cause for the failure to attend work-related activities. The Department has established this case by preponderance of the evidence.

Accordingly, the Department's decision is AFFIRMED.

The Department caseworker stated on the record that Claimant was supposed to receive Family Independence Program benefits for the month of May in the amount of \$492. The Department is ORDERED to reinstate Claimant's case for the month of May 2014 and pay to Claimant any Family Independence Program benefits to which she is entitled.



Landis Y. Lain
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 6/24/14

Date Mailed: 6/26/14

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 Claimant;
- 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

LYL/tb

cc:

