

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-002090
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: JUNE 12, 2014
County: MACOMB-DISTRICT 36

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 June 12, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearing Facilitator; [REDACTED], Family Independence Specialist/PATH Worker; and [REDACTED], PATH Liaison.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case for noncooperation with 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 was an ongoing recipient of FIP benefits.
2. On April 29, 2014, the Department sent Claimant (i) a Notice of Noncompliance notifying her that she had failed to comply with the FIP-related work participation program and scheduling a triage on May 6, 2014, and (ii) a Notice of Case Action notifying her of the closure of her FIP case effective June 1, 2014, for a three-month minimum, based on her noncompliance with employment-related activities without good cause.
3. Claimant did not attend the triage.

4. The Department concluded that Claimant did not have good cause for her noncompliance and closed her FIP case.
5. On May 7, 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, 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.

Additionally, the Department closed Claimant's FIP case for a first noncompliance with employment-related activities, resulting in a three-month sanction imposed on her future receipt of FIP benefits. Claimant requested a hearing.

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 or to provide legitimate documentation of work participation. BEM 233A, p. 2. The Department alleged that Claimant was in noncompliance with her FIP obligations because she had failed to turn in her attendance sheets for her community service project (CSP), her application for child development and care (CDC) benefits, and her employment paystubs.

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 scheduled May 6, 2014 triage. She explained that she did not retrieve her mail daily and by the time she retrieved the notice notifying her of the triage, it was too late. Even though Claimant did not attend the triage, the Department was nevertheless required to consider good cause. BEM 233A, p. 9. Good cause may be verified by information already on file with the Department or PATH. BEM 233A, p. 9. Because Claimant did not attend the triage and did not have good cause for her failure to attend, the determination of whether she had good cause for the noncompliance is limited to the evidence in the Department's and PATH's files.

The Department testified that, because Claimant did not attend the triage to explain her noncompliance and there was no explanation in the Department's or PATH's files, it concluded that Claimant had no good cause for her noncompliance. The evidence provided does not show that Claimant was advised that she was required to submit paystubs. Therefore, the Department could not rely on her failure to provide paystubs to establish noncompliance. However, the Department presented evidence that Claimant agreed to submit to her PATH worker a completed CDC application by April 23, 2014 and the CSP attendance sheets for the weeks of April 14 and April 21 by April 28, 2014. According to the case notes from the PATH program, Claimant called in sick on April 25, 2014, and asked if she could turn in her CDC application on April 28, 2014, with her CSP attendance sheets, and she was granted the extension. Claimant admitted she did not submit either the CDC application or the attendance sheets on April 28, 2014. Because Claimant did not attend the triage and there was no good cause explanation for her noncompliance in the file, the Department acted in accordance with Department policy when it closed Claimant's FIP case. Because this was Claimant's first occurrence of noncompliance, Claimant's FIP case must remain closed 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: **6/17/2014**

Date Mailed: **6/18/2014**

ACE / ttf

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:

