

**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.: 14-004145
Issue No.: 1008; 3001
Case No.: ██████████
Hearing Date: July 21, 2014
County: WAYNE-DISTRICT 19

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 July 21, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ FAP worker, ██████████, Triage Coordinator, and ██████████, PATH Coordinator.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case and decrease Claimant's Food Assistance Program (FAP) benefits due to failure to participate in employment and/or self-sufficiency 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 a recipient of FIP and FAP benefits.
2. On December 5, 2013, the Medical Review Team (MRT) determined that Claimant was "Work Ready with Limitations."
3. Claimant did not attend PATH appointments.
4. The Department issued a Notice of Case Action on May 27, 2014 informing Claimant that her FIP case would close and her FAP benefits would decrease, effective July 1, 2014.

5. The Department issued a Notice of Noncompliance on May 27, 2014, setting a triage date of June 3, 2014.
6. Claimant did not attend the triage due to a conflict with a mental health appointment.
7. The Department found no good cause at the triage.

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.

In addition, the following Department policy is considered:

When a client who is determined by Medical Review Team (MRT) to be work ready with limitations becomes noncompliant with PATH, schedule a planning triage, which includes all of the following: Review the medical packet including the limitations identified by MRT on the DHS-49-A-E. If necessary, revise the FSSP using the limitations identified on the DHS-49-A-E. Assign medically permissible activities. Enter good cause reason Client unfit in Bridges on the Noncooperation details screen, if the noncooperation was related to the identified limitation or is an additional identified limitation.

BEM 233A, p. 10 (7/2013) Also see BEM 233B, p. 8 (7/2013)

In the present case, Claimant was determined to be Work Ready with Limitations by MRT. The Department did present the DHS 49-A for review at the hearing, but the Department did not detail legibly in its triage meeting outcome whether the Department made a proper review of the medical packet. Without this detail, it cannot be concluded that the Department acted properly.

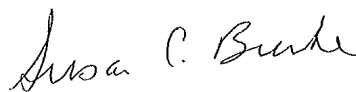
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy.

DECISION AND ORDER

Accordingly, the Department's 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 the sanction from Claimant's FIP and FAP cases.
2. Reinstate Claimant's FIP case and restore Claimant's FAP benefits, effective July 1, 2014, if Claimant is otherwise eligible for the programs.
3. Issue FIP and FAP supplements, in accordance with Department policy.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **7/25/2014**

Date Mailed: **7/25/2014**

SCB/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.

