

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

IN THE MATTER OF:



Reg. No.: 14-002260
Issue No.: 1008
Case No.:
Hearing Date: August 12, 2014
County: ST. CLAIR

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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, telephone hearing was held on Tuesday, August 12, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included , MI Works Case Manager.

ISSUE

Did the Department properly close Claimant's case for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> Child Development and Care (CDC) |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Direct Support Services (DSS)? |
| <input type="checkbox"/> Adult Medical Assistance (AMP)? | <input type="checkbox"/> State SSI Payments (SSP)? |

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 received: FIP benefits.
2. On March 19, 2014, the Department closed Claimant's case due to failure to report work stoppage within 2 days as required by policy.
3. On March 19, 2014, the Department sent Claimant/Claimant's Authorized Representative (AR) its decision.

4. On April 30, 2014, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting 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), and Department of Human Services Reference Tables Manual (RFT).

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, the Claimant was a recipient of FIP benefits, which required her to participate in the PATH program as a condition of receiving FIP benefits. On [REDACTED], the Claimant's Michigan Works Caseworker sent the Claimant a notice congratulating her on her new job and reminded her that she was required to contact her within two days if her employment changed in any way. Department Exhibit 8. On [REDACTED], the PATH Caseworker was informed that the Claimant had quit her job and that she had had an eye injury was excused as a result of providing medical documentation, but failed to return to work on the required date and her position was filled. Department Exhibit 5-6. The Claimant was noncompliant with the PATH program on March 19, 2014, because she quit or fired from a job and failed to report the job lost to PATH as required by policy within two days. Department Exhibit 5-6, and 13. Her last paycheck was for [REDACTED]. Department Exhibit 7. On [REDACTED], the Department Caseworker sent the Claimant a notice that her FIP case was closed effective [REDACTED] for failure to report that her job had ended. Department Exhibit 11-12.

On March 19, 2014, the Department Caseworker sent the Claimant a Notice of Noncompliance, DHS-2444, for the Claimant to attend a triage meeting on [REDACTED] as a first noncompliance where her FIP case would closed for a minimum of three months. Department Exhibit 3-4. . The Claimant failed to attend the triage meeting on March 26, 2014 and the Department found that the Claimant did not have good cause for not reporting that her job had ended resulting in a three-month case closure as a first sanction. Department Exhibit 6. BAM 233A & B.

During the hearing, the Claimant stated that she has moved and that she had not received her notice of noncompliance or her notice of case action, which is why she did not attend the triage. The Claimant failed to report a change of address to the Department and Michigan Works within 10 days as is required by policy, which resulted in her not receiving her notices. In addition, the Claimant had an eye injury on that she sought medical treatment for [REDACTED]

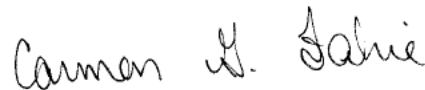
Department Exhibit 14-16. On [REDACTED], the Claimant sought a [REDACTED] where her condition was described as moderate. Department Exhibit 17. On May 5, 2014, the Claimant saw her treating specialist again where the condition was described as mild and stable. Department Exhibit 18-19. The Claimant failed to report to her path caseworker within two days that she was injured and not reporting to work.

Based on the evidence and testimony available during the hearing, the Department's determination that the Claimant did not have good cause for PATH noncompliance with the PATH program is reasonable. The Department has established that it acted properly when it closed the Claimant's FIP case as a result of noncooperation with the path for three months as a result of a first sanction. The Claimant is eligible to reapply for FIP benefits during the last month of the sanction.

The Administrative Law Judge, based upon 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 the Claimant's FIP case for three months as a result all her not reporting a job end, resulting in a first sanction.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Carmen G. Fahie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **8/22/2014**

Date Mailed: **8/22/2014**

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

CGF/tb

cc:

