

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-007369
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: September 03, 2014
County: Genesee #2

ADMINISTRATIVE LAW JUDGE: Carmen 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 Wednesday, September 03, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant and her [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], HF.

ISSUE

Did the Department properly close Claimant's case for Family Independence Program (FIP)?

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 June 21, 2014, the Department closed Claimant's case due to failure to participate in PATH.
3. On June 21, 2014, the Department sent Claimant/Claimant's Authorized Representative (AR) its decision.
4. On July 9, 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 an ongoing Family Independence Program (FIP) recipient. The Department had referred the Claimant to the PATH program as a condition of receiving FIP benefits. On June 9, 2014, the Medical Review Team (MRT) denied the Claimant's medical deferral stating that she could work with limitations. Department Exhibit 8-11. The Claimant was referred to PATH. The Claimant failed to attend and make contact with PATH on June 19, 2014. On June 21, 2014, the Claimant was sent a Notice on Non-compliance (DHS-2444) requesting a triage meeting on July 2, 2014. Department Exhibit 5. The Claimant was non-compliant with the PATH Program on June 19, 2014, because she failed to attend PATH, as required since her PATH deferral was denied by MRT on June 9, 2014. The Department conducted a triage meeting on July 2, 2014 and it was determined that the Claimant did not have good cause for non-compliance with the PATH program. BAM 600 and 815. BEM 233B.

During the hearing, the Claimant stated that there was another person's medical co-mingled with hers and maybe that is why she was not approved for another deferral. This Administrative Law found that there were four pages of another person's medical records included in the Claimant's. The Claimant, the Department, and the Administrative Law Judge removed the pages from the Claimant's packet and disposed of them as is required of medical documentation. As a result, this Administrative Law Judge could not determine how much influence the other person's medical documentation had on the MRT decision in denying the Claimant's medical deferral.

Based on the evidence and testimony available during the hearing, the Department's determination that the MRT properly denied the Claimant's medical deferral is not reasonable. The Department has not established that it acted properly when it closed the Claimant's FIP benefits for noncompliance with the PATH program. The Claimant's 1st Sanction is reversed.

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 did not act in accordance with Department policy when it closed the Claimant's FIP case as a 1st Sanction for 3 months for failure to participate in PATH when there were other medical records for another person combined with the Claimant's medical packet.

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. Initiate a redetermination of the Claimant's eligibility for FIP by sending the Claimant's medical packet back to MRT for a review for a medical referral and determine the Claimant's eligibility for FIP from [REDACTED].
2. Provide the Claimant with written notification of the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits she/he may be eligible to receive, if any.

Carmen H. Fahie

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

Date Signed: **9/17/2014**

Date Mailed: **9/17/2014**

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 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

CGF / tb

cc:

