

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-007944
Issue No.: 3000; 1008
Case No.: [REDACTED]
Hearing Date: September 9, 2014
County: Kent #1

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

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, an in-person hearing was held on [REDACTED], from Grand Rapids, Michigan. Participants on behalf of Claimant included the Claimant and her [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED]; Hearing Facilitator, [REDACTED] and Family Independence Manager [REDACTED].

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 August 1, 2014, the Department closed Claimant's case due to her noncooperation with PATH activities.
3. On July 14, 2014, the Department sent Claimant its decision.
4. On July 24, 2014, Claimant's Attorney 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.

PROCEDURAL HISTORY: On [REDACTED], Administrative Law Judge [REDACTED] granted the Claimant's Attorney's request for an adjournment of the telephone hearing for an in person hearing. The hearing was rescheduled for September 9, 2014 and commenced as rescheduled.

In this case, the Claimant had also requested a hearing on a reduction in her Food Assistance Program (FAP) benefits. During the hearing, the Claimant testified that she understood that the reduction in her FAP benefits was proper and correct because her shelter deduction had also reduced. The Claimant testified that she wish to withdraw the hearing request for the FAP issue. The Department had no objection. As such, the Administrative Law Judge hereby dismisses that hearing request.

Additionally, Bridges Eligibility Manual (BEM) 228 (2013) pp. 21, 22, provides that verification of the WEIs participation in activities that do not pay wages must be documented in the actual hours section of that activity at least biweekly. The only acceptable source of verification is the DHS-630, Weekly Activity Log. *The Department's worker is to monitor the non-WEIs participation in activities during any contact with family. Verification is not required.* (Emphasis added)

The uncontested facts of this case are as follows: The Claimant is a non-WEI because she cares for [REDACTED] [REDACTED] with a shortened life expectancy. The Claimant's Family Self-sufficiency Plan (FSSP) provides that the Claimant must engage in one weekly activity which would include a [REDACTED]. The Claimant's FSSP provides that if she cannot engage in one weekly activity due to her son's illness, this must be verified by a doctor. The FSSP also provides that the Claimant will be monitored with weekly log verifications for compliance with the FSSP. It is also an uncontested that the Claimant did not submit the log which was due July 11, 2014. It is also not contested that the Claimant did submit a statement from her son's doctor on July 10, 2014, indicating that on July 1, 2014, the Claimant had her [REDACTED] in for a [REDACTED].

The policy does not require that the Claimant submit written verification of her compliance with weekly activities. Regardless, the Claimant did submit evidence that she was at her [REDACTED]. The alleged noncompliance is that the Claimant did not submit a log that was due on July 11, 2014. It was not alleged that the Claimant failed to participate in any required activity, but rather that she failed to verify it. The Departmental policy does not require that the Claimant submit written verification of her participation. Therefore, when the Department determined that the Claimant was not in compliance with her FSSP because she did not submit a log sheet, the Department was not acting in accordance with its policy, as the Claimant is not required by policy to submit verification of her participation in activities.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department did not act in accordance with Department policy when it took action to close the Claimant's FIP case for failing to submit verification of her participation in required activities.

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. Re-determine the Claimant's eligibility for retroactive to August 1, 2014, and
2. Issue the Claimant any supplement she may thereafter be due.



Susanne E. Harris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **9/11/2014**

Date Mailed: **9/12/2014**

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

SEH / tb

cc:

