

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

IN THE MATTER OF:



Reg. No.: 14-009946
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: September 17, 2014
County: WAYNE-55 (HAMTRAMCK)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 September 17, 2014, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Path Case Manager.

ISSUE

Did the Department properly close the Claimant's FIP case due to failure to participate in the PATH Program?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant was an ongoing recipient of FIP cash assistance benefits.
2. The Claimant was assigned to attend the Path Program orientation by Notice of Appointment dated May 2, 2014. Exhibit 1
3. The Claimant attended the path orientation on the date she was assigned, but was turned away by the MWA program, as she was not on the schedule for that day. The Claimant was advised by MWA that another appointment notice would be received by her, and that MWA would notify the Department and her caseworker of the problem.

4. The Claimant did not receive the Notice of Noncompliance, issued by the Department on May 21 2014, scheduling a Triage for May 29, 2014. The Claimant did not attend the Triage because she did not receive the Notice of Noncompliance.
5. The Department issued a Notice of Case Action dated May 21, 2014, closing the Claimant's FIP case effective July 1, 2014. The Claimant did not receive the notice of case action.
6. The Claimant requested a hearing August 5, 2014, protesting the Department's closure of her FIP case.

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 issue in this case was whether the Claimant attended the Path orientation program, as assigned. The Department, by Notice of Case Action dated May 21, 2014, closed the Claimant's FIP case because it believed the Claimant did not attend the Path Orientation. The Department also issued a Notice of Noncompliance for a triage to determine her failure to attend the orientation. The Claimant credibly testified that she did not receive the Notice of Noncompliance and did not attend the triage. At the hearing, the Claimant credibly testified that she did attend the orientation and had made numerous attempts to advise the Department that she was turned away from the Path Program because she was not on the schedule for the day assigned. The Claimant also credibly testified that she had checked with the post office relative to her failure to receive the notice of triage appointment and the notice of case action which closed her case. Normally, when mail is properly addressed, it is presumed to be received; however, in this case, the Claimant also did not receive the Hearing Packet for the instant hearing. Based on the evidence overall, and the fact that the Claimant did call as soon as she was aware that her cash assistance had been terminated, it is found that the Claimant did not receive proper notice of the triage and the case closure. The Claimant also advised the Department that the MWA program had advised her they would contact the Department due to the fact that she was not on the schedule. There apparently, was no follow-up by this disclosure to the Department by the Claimant.

The Department did not receive any communication from the MWA program which had advised the Claimant that it would provide Department notice of the problems with her not being on the schedule. The Department at no time checked with MWA to determine what actually happened with Ms. Coleman on the date she was assigned to attend the program. The Department's evidence that Claimant did not attend the Path orientation was based on a Bridges printout and was not conclusive with regard to Claimant's attendance. Exhibit 5. Therefore, based on the credible testimony of the Claimant, including her testimony and recall of the fact that she had to be driven to the appointment by her mother because the Detroit bus system was not running on time, it is determined that the Department improperly closed the Claimant's FIP cash assistance case under these factual circumstances, and must reinstate the case and reassign the Claimant to attend the Path Program.

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 when it closed the Claimant's FIP case for failure to attend the Path program orientation.

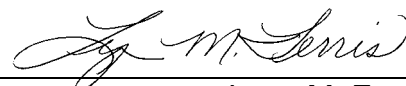
DECISION AND ORDER

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. The Department shall reinstate the Claimant's FIP case effective July 1, 2014, and shall reassign the Claimant to the Path Program.
2. The Department shall issue a FIP supplement to the Claimant for FIP benefits she was otherwise entitled to receive from the date of closure July 1, 2014 ongoing



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

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

LMF / tm

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:

