

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-009641
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: November 12, 2014
County: KALAMAZOO

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, an in-person hearing was held on Wednesday, November 12, 2014, from Kalamazoo, Michigan. Participants on behalf of Claimant included the Claimant, the Claimant's wife, [REDACTED], and the Claimant's attorney, [REDACTED], from [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], HF, [REDACTED], HF, [REDACTED], PATH, and Assistant Attorney General [REDACTED], from the Michigan Attorney General's Office.

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, which required participation in PATH activities.
2. On August 1, 2014, the Department closed Claimant's case due to failure to participate with PATH.
3. On August 1, 2014, the Department sent Claimant/Claimant's Authorized Representative (AR) its decision.
4. On August 12, 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 August 23, 2013, the Medical Review Team (MRT) determined that the Claimant's wife could participate in PATH because she was considered to be not disabled and work ready with limitations. Department Exhibit 6-20. In addition, the Department Caseworker sent the Claimant a Quick Note, DHS 100, to inform the Claimant that he and his wife were both required to attend PATH because MRT determined that they could both work with limitations. Department Exhibit 21.

On August 28, 2013, the Claimant's wife received a PATH Appointment Notice, DHS-4785 for the Claimant's wife to attend PATH on September 9, 2013. Department Exhibit 22. On September 9, 2013, the Claimant's wife attended PATH and signed the program contract with the rules for noncompliance and the requirements for participation. Department Exhibit 23-25. She was required to participate at the level of 40 hours with 10 hours of employment, 13 hours of job search activity, and 17 hours of community service with her logs for the prior week due at 10 a.m. the following Monday as a written report. Department Exhibit 25.

The Claimant's wife was scheduled for a meeting on August 1, 2014 based on a PATH Triage Meeting Notice due to noncompliance where she failed to submit participation and meet participation hours for the weeks of June 29, 2014, July 6, 2014, July 13, 2014, and July 20, 2014. In addition, she missed her appointment with her Community Resource Specialist on July 21, 2014. Department Exhibit 28. The Claimant's wife did not attend her PATH triage meeting on August 1, 2014 even though she received the notice. Department Exhibit 27. The Claimant's wife did meet with PATH on August 4, 2014 where she only submitted a copy of her work schedule for the week of June 20, 2014, which was placed in the file. The Claimant's wife stated that she has had phone issues. In addition, the Claimant's wife was having issues with transportation to [REDACTED] being low on tokens. Her community service did not have enough hours for her. She also stated that she was ill and couldn't go to work. The Claimant's wife did not submit a doctor's note from her physician excusing her for the days that she missed as is required by PATH policy. PATH did not find good cause and the Claimant's wife was scheduled for triage with DHS. Department Exhibit 56-57.

On August 1, 2014, the Claimant was sent a Notice on Noncompliance (DHS-2444) requesting a triage meeting on August 7, 2014 because she missed appointments and meetings with PATH. Department Exhibit 59-60. The Claimant's wife did attend the triage meeting, but was not found to have good cause for being noncompliant with the PATH program resulting in a second sanction for PATH. She failed to provide any written verification to support her noncompliance with the PATH program. BEM 233A and 233B.

During the hearing, the Claimant's attorney brought up that the Claimant was not capable of participating with PATH. This Administrative Law Judge reminded her attorney that MRT, based on the objective medical evidence submitted, deemed that the Claimant could participate with PATH with limitations. The Claimant could always submit additional objective medical evidence, but she would have to continue to participate or close her FIP case until she got a medical deferral from MRT because she could be found in noncompliance and sanctioned. The Claimant stated that they were having problems with housing and being evicted. The Claimant's wife failed to provide written verification of their eviction to PATH or DHS. According to the testimony, the Claimant was not evicted until August 14, 2014. Her noncompliance started on June 29, 2014. In addition, the Claimant's wife missed her appointment with her Community Resource Specialist on July 21, 2014 where her housing issues could have been addressed.

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 benefits for noncompliance with the PATH program. This is the Claimant's second sanction where their FIP benefits will be cancelled for six months, but the Claimant can reapply during the last month of their 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 as a Second Sanction for six months due to failure to participate in PATH.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

Carmen G. Fahie

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

Date Signed: **11/25/2014**

Date Mailed: **11/25/2014**

CGF\crl

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 48909-8139

cc:

