

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

IN THE MATTER OF:

██████████
██
████████████████████

Reg. No.: 14-013911
Issue Nos.: 1008, 3007
Case No.: ██████████
Hearing Date: November 13, 2014
County: Wayne (41-Fort Wayne)

ADMINISTRATIVE LAW JUDGE: Michael Bennane

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 November 13, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant ██████████
██ Participants on behalf of the Department of Human Services (Department) included ██████████
██████████

ISSUE

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

FINDINGS OF FACT

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

1. On September 9, 2014, the Department sent Claimant a notice of noncompliance with work-related activities and an appointment date of September 15, 2014, to discuss Claimant's noncompliance.
2. On September 17, 2014, the Department sent Claimant a notice of case action continuing Claimant's FIP benefits.
3. On September 24, 2014, the Department sent Claimant a second notice of noncompliance with work-related activities and a second appointment date for October 2, 2014.

4. On September 24, 2014, the Department sent Claimant a notice of case action informing her that her FIP benefits were scheduled to close effective November 1, 2014.
5. On October 7, 2014, Claimant requested a hearing to protest the closure of her FIP benefits case and requested a hearing concerning her Food Assistance (FAP) benefits.

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.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

FAP

Claimant requested a hearing on her FAP benefits but there is no negative action documented or addressed in the Department's hearing packet. Therefore, the request for a hearing on Claimant's FAP benefits is DISMISSED.

FIP

The Department testified at the hearing that Claimant had several barriers to performing as requested in work-related activities. However, when questioned, the Department was not able to provide examples of barriers that would have qualified as good cause for Claimant's failure to comply with work-related activities.

Claimant testified that, during the time in question, she was five months pregnant. [REDACTED] testified as to having knowledge of Claimant's physician documenting Claimant's need to stay off her feet. BEM 233A (July 2014).

The testimony of Claimant [REDACTED] is sufficient to show good cause in this instance. The question of barriers was raised by the PATH representative without prompting and the testimony of Claimant and her representative is sufficient to show good cause.

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

- acted in accordance with Department policy when it .
- did not act in accordance with Department policy when it closed Claimant's FIP benefits case effective November 1, 2014.
- failed to satisfy its burden of showing that it acted in accordance with Department policy when it .


DECISION AND ORDER

Accordingly, the Department's decision is

- AFFIRMED.
- REVERSED.
- AFFIRMED IN PART with respect to and REVERSED IN PART with respect to .

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. Reinstate Claimant's FIP benefits retroactive to November 1, 2014, and supplement for any missed benefits.



Michael Bennane
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **11/24/2014**

Date Mailed: **11/24/2014**

MJB / pf

