

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-015669
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: December 10, 2014
County: WASHTENAW

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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 December 10, 2014, from Lansing, Michigan. Participants on behalf of the Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator, [REDACTED]; PATH Coordinator, [REDACTED] and PATH Team Leader for Michigan Works, [REDACTED].

ISSUE

Did the Department properly close the 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. The Claimant received FIP benefits.
2. On August 10, 2014, the Department closed Claimant's case due to his non-compliance with employment related activities.
3. On August 28, 2014, the Department sent the Claimant its decision.
4. On October 30, 2014, the Claimant 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, Bridges Eligibility Manual (BEM) 233A (2013), pp. 10, 11, provides that the DHS-2444 Notice of Non-compliance state the date of the Claimant's non-compliance and the reason why the Claimant was determined to be non-compliant. In this case, the DHS-2444, Notice of non-compliance, sent August 28, 2014, gives the Claimant notice that he was noncompliant because of "no participation in required activity." That notice scheduled a triage meeting for September 4, 2014. At that meeting, the Claimant brought no verification of good cause and the Department gave the Claimant additional time to submit such verification and no further verification of full compliance was forthcoming. The Department testified that the verification which was submitted was insufficient and questionable. The Department therefore determined that the Claimant had no good cause for his noncompliance.

The Claimant testified that, for the last week in a series of three that he had been deemed it to be noncompliant, he submitted a paycheck stub that his employer issued in error showing that he had insufficient hours. The Claimant testified that he has since tried to submit the corrected paychecks stub but that the Department would not accept it. The Department clarified that no stubs had been submitted to them, but that perhaps one had been submitted to Michigan Works, and that likely they would have rejected it as this was well after the triage.

This Administrative Law Judge asked the Claimant several times what he did that would constitute his compliance for the first two of the three he was deemed to be noncompliant. The Claimant testified that he had many things happening in his life. The Claimant testified that he was being evicted from his home. The Claimant testified that he witnessed several crimes in front of him and kept his Michigan Works caseworker informed of everything that was happening. The Michigan Works caseworker was present at the hearing and testified that she was not contacted about a potential eviction until August 12, 2014. The Michigan Works caseworker testified that the Claimant did submit verification of several court dates all that occurred on August 6, 2014. When asked again, the Claimant could not say what it was that constituted his compliance or even that he was compliant during the weeks of July 27 to August 10 of 2014. It was never contested that the Claimant did not bring proper verification of his complete compliance to his triage meeting. Therefore, the Administrative Law Judge concludes that the Department properly determined that the Claimant had no good cause for his noncompliance.

Bridges Eligibility Manual (BEM) 233A (2013) p. 8, provides that the penalty for noncompliance without good cause is FIP case closure. The Administrative Law Judge

therefore concludes that when the Department took action to close the Claimant's FIP case, the Department was acting in accordance with its policy.

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 took action to close the Claimant's case due to his noncompliance with employment related activities.

DECISION AND ORDER

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



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

Date Signed: **12/11/2014**

Date Mailed: **12/11/2014**

SEH/hj

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:

