

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

**IN THE MATTER OF:**

████████████████████  
████████████████████  
████████████████████

Reg. No.: 14-001882  
Issue No.: 1001  
Case No.: ██████████  
Hearing Date: June 4, 2014  
County: Wayne (76)

**ADMINISTRATIVE LAW JUDGE: COLLEEN M. MAMELKA**

**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 conducted from Detroit, Michigan on Wednesday, June 4, 2014. Claimant appeared, along with ██████████, and testified. Participating on behalf of the Department of Human Services (Department) was ██████████ and ██████████

**ISSUE**

Whether the Department properly terminated Claimant's Family Independence Program (FIP) benefits effective June 1, 2014, due to non-compliance with the Partnership.Accountability.Training.Hope (PATH) without good cause.

**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 was an ongoing FIP recipient.
2. Claimant's partner was a work eligible individual (WEI) and was assigned to a community service site.
3. On April 9, 2014, a triage was requested based on a case note that provided Claimant's partner was fired from the community service site. (Exhibit 1)
4. On April 21, 2014, the Department sent a Notice of Non-Compliance to Claimant instructing her to appear for a triage scheduled on April 29, 2014, at 9:00a.m. (Exhibit 2)

5. On this same date, April 21<sup>st</sup>, the Department sent a Notice of Case Action (NOCA) notifying Claimant that her FIP benefits were scheduled to close effective June 1, 2013, due to the PATH non-compliance. (Exhibit 3)
6. On April 28, 2014, the Department received Claimant's timely request for hearing. (Exhibit 5)
7. On April 29<sup>th</sup>, a triage was held resulting in a no-good cause determination for the PATH non-compliance.
8. On June 1, 2014, Claimant's FIP benefits were terminated.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Reference Tables ("RFT").

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 Department requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. BEM 233A (July 2013), p. 1. A WEI, and non-WEIs (except ineligible grantees, clients deferred for lack of child care, and disqualified aliens), who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized. BEM 233A, p. 1. Depending on the case situation, penalties include a delay in eligibility at application; case closure for a minimum of three months for the first episode of non-compliance, six months for the second episode; and lifetime closure for the third episode of non-compliance. BEM 233A, p. 1. As a condition of eligibility, all WEIs and non-WEIs must work or engage in employment and/or self-sufficiency-related activities. BEM 233A, p. 2. Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the noncompliant person. BEM 233A, pp. 4.

PATH participants will not be terminated from a JET program without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A, p. 9. In processing a FIP closure, the Department is required to send the client a notice of non-compliance, DHS-2444, which must include the date(s) of the non-compliance; the reason the client was determined to be non-compliant; and the penalty duration. BEM 233A, pp. 10, 11.

In this case, the Claimant's partner was assigned to a community service site. Based on a case note, Claimant's partner was discharged from the community service site for eating food in the warehouse despite prior warnings. A triage was scheduled which Claimant and her partner attended. At triage, Claimant's partner denied eating any food stating that he was only chewing gum. No one from the community service site participated in the triage process. Instead, the Department relied solely on the April 9, 2014, case note and determined good cause did not exist for Claimant's partner's non-compliance.

At the hearing, Claimant's partner adamantly denied eating food on the premises of the community service site. Claimant's partner testified credibly that he was chewing gum, not eating, and he was not told he was fired until after the triage was requested. There was no one to rebut this testimony at the triage or at the hearing.

In addition, policy provides that when a Claimant's timely files a request for hearing, the Department is to delete the negative action pending the hearing. Here, the Department received Claimant's timely hearing request; however, failed to delete the negative action, resulting in the FIP closure as of June 1, 2014.

Ultimately, in consideration of the testimony, evidence presented, and applicable policy, it is found that the Department failed to meet its burden in establishing Claimant's partner was non-compliant without good cause. Accordingly, the Department's determination is not upheld.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds the Department's termination of FIP benefits 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. Reinstate Claimant's FIP benefits effective June 1, 2014, ongoing, in accordance with Department policy.

2. Supplement for lost FIP benefits that Claimant was entitled to receive if otherwise eligible and qualified as of June 1, 2014, ongoing.
3. Remove the imposed FIP sanction.

*Colleen M. Mamelka*

**COLLEEN M. MAMELKA**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: **6/12/2014**

Date Mailed: **6/13/2014**

CMM/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: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]