

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

IN THE MATTER OF:

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██████████████████
██████████████████

Reg. No.: 14-003223
Issue No.: 1008; 3000
Case No.: ██████████
Hearing Date: June 25, 2014
County: WAYNE-DISTRICT (55)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 June 25, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ ██████████, Manager; and ██████████, Partnership. Accountability. Training. Hope. (PATH) Case Manager.

ISSUE

Whether the Department properly closed Claimant's case for Family Independence Program (FIP) benefits based on Claimant's failure to participate in employment and/or self-sufficiency related activities 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 recipient of FIP benefits.
2. For the PATH program, Claimant was required to submit weekly educational logs.
3. From March 13, 2014, to April 14, 2014, Claimant failed to submit weekly educational logs. See Exhibit 1, p. 8
4. On April 10, 2014, Claimant contacted the PATH program to inform it that she had a doctor's appointment due to an ongoing illness. See Exhibit 1, p. 8.

5. On April 10, 2014, the PATH program sent Claimant a Noncompliance Warning Notice, due to her failure to submit education logs and scheduled her for a re-engagement meeting on April 15, 2014. See Exhibit 1, p. 8.
6. On April 15, 2014, Claimant failed to attend her re-engagement meeting. See Exhibit 1, p. 8.
7. On or around April 23, 2014, the Department sent Claimant a Triage Meeting Notice. See Exhibit 1, p. 8.
8. On May 5, 2014, the Department mailed Claimant a Notice of Noncompliance scheduling Claimant for a triage appointment on May 13, 2014. Exhibit 1, pp. 4-5.
9. On May 5, 2014, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case, effective June 1, 2014, based on a failure to participate in employment and/or self-sufficiency related activities without good cause. Exhibit 1, pp. 6-7.
10. On May 13, 2014, Claimant failed to attend her triage appointment and the Department reviewed her case file and found no good cause for Claimant's failure to attend employment and/or self-sufficiency related activities.
11. On May 19, 2014, Claimant filed a hearing request, disputing the FIP case closure and Food Assistance Program (FAP) closure. See Exhibit 1, pp. 2-3.

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.

Preliminary matter

On May 19, 2014, Claimant also requested a hearing to dispute her FAP case closure. However, Claimant testified that she is receiving her FAP benefits and is no longer disputing her FAP case. As such, Claimant's FAP hearing request is DISMISSED.

FIP benefits

Federal and state laws require each work eligible individual (WEI) in the FIP group to participate in PATH or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (October 2013), p. 1. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. BEM 230A, p. 1.

PATH participants will not be terminated from PATH without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A (July 2013), p. 9. Good cause is determined during triage. BEM 233A, p. 9. 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 and must be verified. BEM 233A, p. 3. Good cause includes any of the following: employment for 40 hours/week, physically or mentally unfit, illness or injury, reasonable accommodation, no child care, no transportation, illegal activities, discrimination, unplanned event or factor, long commute or eligibility for an extended FIP period. BEM 233A, pp. 3-5.

In this case, Claimant was an ongoing recipient of FIP benefits. On or around March 10, 2014, Claimant enrolled in school. See Exhibit 1, p. 10. Thus, for the PATH program, Claimant was required to submit weekly educational logs and/or study time hours. See Exhibit 1, p. 9. However, from March 13, 2014, to April 14, 2014, Claimant failed to submit her weekly educational logs. See Exhibit 1, p. 8.

On April 10, 2014, Claimant contacted the PATH program to inform it that she had a doctor's appointment due to an ongoing illness. See Exhibit 1, p. 8. On April 10, 2014, the PATH program sent Claimant a Noncompliance Warning Notice, due to her failure to submit education logs and scheduled her for a re-engagement meeting on April 15, 2014. See Exhibit 1, p. 8. On April 15, 2014, Claimant failed to attend her re-engagement meeting. See Exhibit 1, p. 8. On or around April 23, 2014, the Department sent Claimant a Triage Meeting Notice. See Exhibit 1, p. 8. On May 5, 2014, the Department mailed Claimant a Notice of Noncompliance scheduling Claimant for a triage appointment on May 13, 2014. Exhibit 1, pp. 4-5. On May 5, 2014, the Department also sent Claimant a Notice of Case Action closing Claimant's FIP case, effective June 1, 2014, based on a failure to participate in employment and/or self-sufficiency related activities without good cause. Exhibit 1, pp. 6-7.

At the hearing, Claimant did not dispute that she failed to submit her education logs for March 13, 2014, to April 14, 2014, other than submitting her log for orientation week. Claimant testified that she had an ongoing blood disorder (chronic disease), nausea/vomiting, anxiety, and other medical conditions, which prevented her from attending school for some days and submitting the educational logs. Claimant testified that she did not notify the Department of her ongoing illness until April 10, 2014 because she did not want her family to know her conditions; she did not want to complete medical paperwork; and she was attempting to resolve the medical issue on her own. Claimant acknowledged that she did not provide verification of her medical condition until this hearing. Claimant testified that she was not claiming any disability, however, that her ongoing chronic illness prevented her from attending school and/or submitting her job search logs. Claimant provided as evidence a letter from her doctor dated April 14, 2014, which stated that she is currently being treated for a chronic disease and to please excuse her missed assignment as this can be related to her disease condition for the months of February to April 2014. See Exhibit A, p. 1.

Additionally, on May 13, 2014, Claimant failed to attend her triage appointment and the Department reviewed her case file and found no good cause for Claimant's failure to attend employment and/or self-sufficiency related activities. Claimant testified that she overlooked the section that stated she could reschedule her appointment. Also, Claimant testified that she did begin a new semester of school the day of triage and provided a copy of her school schedule showing such. See Exhibit A, p. 2. Ultimately, Claimant testified that she did not notify the Department that she could not attend her triage and awaited her hearing request to dispute the non-compliance.

Based on the foregoing information and evidence, the Department improperly closed Claimant's FIP benefits effective June 1, 2014.

First, it was proper for the Department to find Claimant in noncompliance based on her inability to participate in the PATH program from March 13, 2014, to April 14, 2014. See Exhibit 1, p. 8. Claimant did not dispute that she failed to submit her education logs for the time period stated above.

Second, though, the evidence presented a valid reason (good cause) for Claimant's noncompliance with the PATH program that is based on factors that are beyond her control and it was verified. See BEM 233A, p. 3. Good cause includes that the client has a debilitating illness or injury, or a spouse or child's illness or injury requires in-home care by the client. See BEM 233A, p. 5. Also, good cause includes credible information of an unplanned event or factor which likely prevents or significantly interferes with employment and/or self-sufficiency-related activities. BEM 233A, p. 6. Unplanned events or factors include, but are not limited to the health or safety risk. See BEM 233A, p. 6.

Even though Claimant did not provide verification before this hearing nor attend her scheduled appointments (e.g., triage), Claimant did contact the PATH program notifying it of an ongoing illness on April 10, 2014. See Exhibit 1, p. 8. At the hearing, Claimant did provide a letter from her doctor dated April 14, 2014, which stated that she is currently being treated for a chronic disease. See Exhibit A, p. 1. Moreover, the doctor's letter did state to please excuse her missed assignment as this can be related to her disease conditions for the months of February to April 2014. See Exhibit A, p. 1. The time period stated in the letter was the same time period as Claimant was required to submit the education logs. See Exhibit A, p. 1.

Based on the above information, the evidence presented a good cause reason for the noncompliance, which was verification that Claimant suffered an illness and/or unplanned event or factor regarding her health. See BEM 233A, pp. 3-6. As such, the Department will reinstate Claimant's FIP benefits effective June 1, 2014 and remove her first FIP non-compliance in accordance with Department policy. See BEM 233A, p. 1.

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, if any, finds that the Department did not act in accordance with Department policy when it improperly closed Claimant's FIP benefits effective June 1, 2014.

Accordingly, the Department's FIP 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. Remove Claimant's first FIP sanction from her case;
2. Reinstate Claimant's FIP case as of June 1, 2014;
3. Begin recalculating the FIP budget for June 1, 2014, ongoing, in accordance with Department policy;
4. Issue supplements to Claimant for any FIP benefits she was eligible to receive but did not from June 1, 2014, ongoing; and
5. Notify Claimant in writing of its FIP decision in accordance with Department policy.

IT IS ALSO ORDERED that Claimant's FAP hearing request (dated May 19, 2014) is **DISMISSED**.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **6/27/2014**

Date Mailed: **6/27/2014**

EJF/cl

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]
[REDACTED]
[REDACTED]