

6. On June 2, 2014, Claimant requested a hearing to protest a reduction in her FAP benefits and the impending closure of her FIP benefits case.

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.

At the hearing, the Department testified that Claimant's [REDACTED] was advised to contact law enforcement.

[REDACTED] contacted [REDACTED] who proceeded to turn it over to the [REDACTED], who then put [REDACTED] into the psychiatric ward in [REDACTED] for a week and a half.

The Department provided no documentation as to [REDACTED] "fugitive disqualification" beyond testimony and the addition of a statement included in the Department's "Hearing Summary." This Administrative Law Judge finds that the Department has failed to make its case as to [REDACTED] fitness, or lack thereof, for participating in PATH.

The Department then found [REDACTED] in noncompliance with work-related activities for not attending either of the scheduled PATH appointments and a triage appointment was scheduled for June 5, 2014. [REDACTED] did not attend the triage and good cause was not granted.

[REDACTED] testimony at the hearing revealed that he was in [REDACTED] beginning January 1, 2013, and was scheduled to continue with [REDACTED] through December 31, 2014. [REDACTED] provided documentation of his continued work with [REDACTED]

██████████ attendance with ██████ should have caused the Department to provide him with a medical packet that would have been filled out and completed by ██████. The completion of the medical information may have excused him from participation in PATH. BEM 233A (July 2013).

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 failed to grant ██████████ the opportunity to have his rehabilitation with ██████ be a factor in the decision as to whether he was required to participate in work-related activities.
- 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. Return to June 1, 2014, and reinstate Claimant's FAP benefits for the month of June 2014 and supplement for any missed benefits. In addition, the Department is ordered to reinstate Claimant's FIP benefits back to the closing of same on July 1, 2014, and supplement for any missed benefits.



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

Date Signed: **7/14/2014**

Date Mailed: **7/14/2014**

MJB / pf

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]