

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

IN THE MATTER OF:



Reg. No.: 14-003921
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: July 29, 2014
County: Washtenaw (District 20)

ADMINISTRATIVE LAW JUDGE: Darryl T. Johnson

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 July 29, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included Family Independence Manager [REDACTED]

ISSUE

Did the Department properly deny Claimant's application for Family Independence Program (FAP) benefits?

1. Claimant applied for FIP (cash assistance) on April 25, 2014, and was interviewed on April 28, 2014.
2. Claimant reported to the Department she had injured her leg and did not believe she would be able to make it to the PATH program.
3. A Medical Needs form was mailed to Claimant (Exhibit 1 Page 4), which her doctor completed and returned, indicating Claimant was able to work with some limitations.
4. Claimant spoke with her case worker after she submitted the Medical Needs form, but before her case worker had reviewed it and asked whether she still needed to attend PATH.
5. The case worker told Claimant that, unless she received a phone call telling her that she did not need to attend, she would have to attend PATH.
6. Claimant did not receive a call from her case worker, and she did not attend PATH.

7. On June 3, 2014, the Department mailed to Claimant a Notice of Case Action (NCA) informing her that her FIP was denied. (Exhibit 1 Page 9.)
8. On June, 2014, the Department received Claimant's hearing request.

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 PATH program requirements including education and training opportunities are found in BEM 229. Failure by a client to participate fully in assigned activities while the FIP application is pending will result in denial of FIP benefits. A Work Eligible Individual (WEI) who refuses, without good cause, to participate in assigned employment and/or other self-sufficiency related activities is subject to penalties. If the client does not return the activity log by the due date, it is treated as a noncompliance; see BEM 233A. When a FAP recipient is non-compliant, BEM 233B establishes several consequences."

If a participant is active FIP and FAP at the time of FIP noncompliance, determination of FAP good cause is based on the FIP good cause reasons outlined in BEM 233A. For the FAP determination, if the client does not meet one of the FIP good cause reasons, determine the FAP disqualification based on FIP deferral criteria only as outlined in BEM 230A, or the FAP deferral reason of care of a child under 6 or education. No other deferral reasons apply for participants active FIP and FAP. Determine good cause during triage appointment/phone conference and prior to the negative action period. Good cause must be provided prior to the end of the negative action period.

"Determine good cause during triage and prior to the negative action effective date. Good cause must be verified and provided prior to the end of the negative action period and can be based on information already on file with the DHS or PATH." BEM 233A p 11 (7/1/13).

Per BEM 233A, "good cause for non-compliance" are based on factors beyond control of the client. Some circumstances that are considered "good cause" are: working 40 hours or more; client is unfit for a particular job; illness or injury; lack of child care; lack


of transportation; unplanned events; long commute. "If it is determined during triage the client has good cause, and good cause issues have been resolved, send the client back to PATH."

Claimant testified that she thought the case worker, after initially saying that she would have to attend PATH unless she were called and told not to attend, told her that she did not have to go unless she received another call telling her that she had to attend. That interpretation does not follow from the case worker's consistent written statements that she would have to attend unless she received a call telling her that her attendance was not necessary. The Claimant did not establish good cause for non-compliance prior to the negative action effective date. In any case, Claimant's doctor reported that Claimant, despite some physical limitations, could engage in work-related activities.

Claimant has presented a case that evokes sympathy, but sympathy cannot play a part in this decision. 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 determined that Claimant failed to comply with the training requirements, and that she failed to show good cause for her non-compliance.

DECISION AND ORDER

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



Darryl T. Johnson
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **7/31/2014**

Date Mailed: **7/31/2014**

DTJ / jaf

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:

