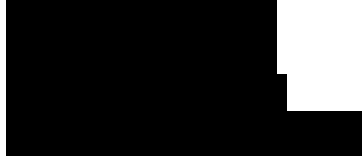


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 14-006033
Issue No.: 1008; 5000
Case No.: [REDACTED]
Hearing Date: September 24, 2014
County: Oakland #3

ADMINISTRATIVE LAW JUDGE: Carmen Fahie

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, telephone hearing was held on Wednesday, September 24, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], FIS, [REDACTED], PATH Coor.

ISSUE

Did the Department properly deny Claimant's application and close Claimant's case for Family Independence Program (FIP)? The State Emergency Relief (SER)?

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 applied for and received FIP and SER benefits.
2. On June 12, 2014, the Department denied Claimant's application and closed Claimant's case due to non-participation for PATH and no shut-off notice for SER.
3. On June 12, 2014, the Department sent Claimant/Claimant's Authorized Representative (AR) its decision.
4. On June 27, 2014, Claimant/Claimant's Authorized Hearing Representative (AHR) 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.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and by Mich Admin Code, R 400.7001 through R 400.7049. Department policies are found in the Department of Human Services State Emergency Relief Manual (ERM).

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 400.901 through R 400.951. Rule 400.903(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because [a] claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a Department action resulting in suspension, reduction, discontinuance, or termination of assistance.

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Mich Admin Code, R 400.904(1). Moreover, the Department of Human Services Bridges Administrative Manual (BAM) 600, provides in relevant part as follows:

The client or authorized hearing representative has *90 calendar days from the date of the written notice of case action to request a hearing*. The request must be received anywhere in DHS within the 90 days. [Emphasis added.]

Additionally, the Claimant applied for SER benefits for assistance with relocation and a utility bill. On February 24, 2014, the Department Caseworker sent the Claimant a notice that her SER application was denied because her housing was unaffordable and for [REDACTED] because the bill is for a [REDACTED] not the current address where she is living. Department Exhibit 3-4. The Claimant requested a hearing on [REDACTED], which was not timely because it was not within 90 days of the denial notice. The Claimant's SER hearing request is dismissed.

The Claimant was an ongoing FIP recipient. The Department had referred the Claimant to the PATH program as a condition of receiving FIP benefits. The Claimant was noncompliant with the PATH program on July 12, 2014 because she failed to complete community service for the week of June 1, 2014. On June 12, 2014, the Department Caseworker sent the Claimant a Notice on Noncompliance, DHS 2444, for a triage meeting on June 20, 2014. Department Exhibit 25-26. The Department conducted a triage meeting on June 20, 2014 where it was determined that the Claimant did not have good cause for noncompliance with the PATH program.

During the hearing, the Department Caseworker stated that the Claimant stated during the triage that she had medical issues that prevented her from participating. She was given additional time to present medical documentation to show that she could not work to cover the time period of her non-cooperation that was due on Monday, June 23, 2014. The Claimant failed to submit the required documentation by the due date of June 23, 2014 and the no good cause action remained. Department Exhibit 16. The Claimant stated that she was medically impaired and had a daughter who was disabled. The Claimant did not apply for Daycare for her daughter. In addition, she did not apply for a Medical Review Team medical deferral. PATH has been excusing the Claimant from participation when she provided doctor's note. They have also allowed the Claimant to work from home as an additional accommodation.

Based on the evidence and testimony available during the hearing, the Department's determination that the Claimant did not have good cause for PATH noncompliance with the PATH program is reasonable. The Department has established that it acted properly when it closed the Claimant's FIP benefits for noncompliance with the PATH program. This is the Claimant's 1st sanction where her FIP benefits will be cancelled for 3 months, but the Claimant can reapply during the last month of her sanction.

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 closed the Claimant's FIP for not participating with the PATH program for 1st noncompliance.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

Carmen H. Fahie

Carmen Fahie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **10/3/2014**

Date Mailed: **10/3/2014**

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

CGF / tb

cc:

A large black rectangular redaction box covers the names and contact information of the recipients listed in the 'cc:' field.