

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-006934
Issue No.: 1008, 3001, 6001
Case No.: [REDACTED]
Hearing Date: August 14, 2014
County: KENT-DISTRICT 1 (FRANKLIN)

ADMINISTRATIVE LAW JUDGE: Carmen G. 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 Thursday, August 14, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant, his interpreter, [REDACTED] 414, and the Claimant's [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] n, FIM, [REDACTED] from the [REDACTED].

ISSUE

Did the Department properly close Claimant's case for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> Child Development and Care (CDC)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Direct Support Services (DSS)? |
| <input type="checkbox"/> Adult Medical Assistance (AMP)? | <input type="checkbox"/> State SSI Payments (SSP)? |

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 received FIP benefits.
2. On July 2, 2014, the Department closed Claimant's case due to failure to accept employment as required by PATH.

3. On July 2, 2014, the Department sent Claimant/Claimant's Authorized Representative (AR) its decision.
4. On July 9, 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.

Additionally, the Claimant was an ongoing FIP recipient. The Department had referred the Claimant to the PATH program as a condition of receiving FIP benefits. Department Exhibit 29-34. The Claimant was approved for a day care hundred percent and transportation. Department Exhibit 49, 51-52. The Claimant was noncompliant with the PATH program on June 23, 2014 because he failed to start a job even though daycare and transportation were available Department Exhibit 36. The Claimant stated that the employment starting from 7 a.m. was too early where he would have to wake the kids up at 5 AM. The Claimant stated that that timeframe was not good for him and that he wanted a job that started from 9 AM to 5 PM. The PATH Caseworker told the Claimant that the only other option was an employment from 3 PM to 11 PM where daycare and transportation was still available. Once again, the Claimant stated that that would not be good for the kids and refused to take the job. Department Exhibit 7.

On June 24, 2014, the Department Caseworker sent the Claimant a Notice on Noncompliance, DHS 2444, for a triage meeting on July 2, 2014. Department Exhibit 40-41. The Department conducted a triage meeting on July 2, 2014 where the Claimant attended the meeting and it was determined that the Claimant did not have good cause for noncompliance with the PATH program. On June 25, 2014, the Department Caseworker sent the Claimant a notice of case action that the Claimant's FIP would be close for three months as a first sanction and FAP would be decrease for three months with the Claimant being removed from the household group as a result of noncompliance with the PATH program. Department Exhibit 41-48.

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 is FIP benefits will be cancelled for 3 months, but the Claimant can reapply during the last month of his sanction. The Claimant has three months to look for a suitable job with the suitable hours he requires before reapplying for FIP benefits.

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 case for 3 months due to refusal to accept employment in noncompliance with PATH, resulting in a 1st sanction.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: **8/22/2014**

Date Mailed: **8/22/2014**

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 Claimant;

- 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:

