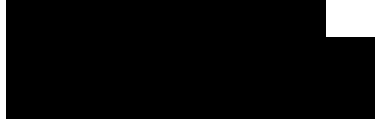


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 14-008222
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: September 03, 2014
County: OTTAWA

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, a telephone hearing was held on Wednesday, September 03, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], HF and [REDACTED], FIS.

ISSUE

Did the Department properly close Claimant's case for Family Independence Program (FIP)?

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 June 18, 2014, the Department closed Claimant's case due to non-compliance with PATH.
3. On June 18, 2014, the Department sent Claimant its decision.
4. On July 25, 2014, Claimant 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.

In this case, 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 1-3 and 6-7. The Claimant's medical deferral ended on [REDACTED]. Department Exhibit 4-5. The Department Caseworker spoke with the Claimant on [REDACTED] to remind him that his [REDACTED] was ending. Department Exhibit 8. On June 2, 2014, the Department Caseworker sent the Claimant a notice that his temporary PATH deferral had ended and he was required to participate in PATH. Department Exhibit 12-13.

On June 2, 2014, the Department sent the Claimant a PATH appointment notice to attend PATH on June 9, 2014. Department Exhibit 11. The Claimant was noncompliant with the PATH program on June 9, 2014 because he failed to attend PATH as was required. Department Exhibit 10. On June 18, 2014, the Department Caseworker sent the Claimant a Notice on Noncompliance, DHS 2444, for a triage meeting on June 27, 2014. Department Exhibit 16-17. The Department conducted a triage meeting on November 6, 2013 where the Claimant attended and it was determined that the Claimant did not have good cause for noncompliance with the PATH program. The Claimant submitted a [REDACTED] stating that he could work with limitations, which would not have excused him from PATH. It was received by the Department Caseworker on June 17, 2014. Department Exhibit 14-15.

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 his FIP benefits will be cancelled for 3 months, but the Claimant can reapply during the last month of his 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 case due to noncompliance with PATH resulting in a 1st sanction and a 3 month case closure.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: **9/17/2014**

Date Mailed: **9/17/2014**

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:

