

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-008775
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: September 4, 2014
County: CHEBOYGAN

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, September 04, 2014, from Cheboygan, Michigan. Participants on behalf of Claimant included the Claimant, her [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], MWA, [REDACTED], CPS, [REDACTED], FIS, and [REDACTED], PATH.

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 July 31, 2014, the Department closed Claimant's case due to failure to participate in the PATH program.
3. On July 31, 2014, the Department sent Claimant/Claimant's Authorized Representative (AR) its decision.
4. On August 8, 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. On July 14, 2014, the Claimant's [REDACTED] got a notice to attend PATH on July 24, 2014. Department Exhibit 10. On July 24, 2014, the Claimant had informed the Department that her [REDACTED] had no appropriate clothes to wear to PATH. The Department Caseworker returned the Claimant's phone call stating that the her [REDACTED] had to show up at the appointment in order to get a [REDACTED] to get some [REDACTED] Department Exhibit 11. The Claimant was noncompliant with the PATH program on July 24, 2014 because he failed to attend PATH. Department Exhibit 11.

On August 8, 2014, the Department Caseworker sent the Claimant a Notice on Noncompliance, DHS 2444, for a triage meeting on August 15, 2014. Department Exhibit 16-17. The Department conducted a triage meeting on August 15, 2014 where the Department determined that the Claimant did not have good cause for noncompliance with the PATH program. BAM 220. BEM 210 and 233A.

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 not reasonable. During the hearing, the Claimant and her [REDACTED] testified that he was released from [REDACTED] with only [REDACTED] [REDACTED] which would not have been appropriate to attend PATH. He had no other clothing or anyone else close to his size whose clothes he could wear or borrow. The Department and PATH were not aware of the extent and lack of the Claimant's husband clothing attire. The Department has not established that it acted properly when it closed the Claimant's FIP benefits for noncompliance with the PATH program and the sanction is reversed and removed. The Claimant's [REDACTED] should be re-referred to PATH. He has been able to get his [REDACTED] from storage and this barrier has been removed.

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 did not act in accordance with Department policy when it closed the Claimant's FIP due to non-cooperation with PATH, when the Claimant's husband did not have appropriate clothing to participate in PATH.

DECISION AND ORDER

Accordingly, the Department's decision is REVERSED.

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. Initiate a redetermination of the Claimant's eligibility for PATH by re-referring the Claimant's husband back to PATH and remove the sanction and distribute any FIP benefits owed during the contested time period effective September 1, 2014.
2. Provide the Claimant with written notification of the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits she/he may be eligible to receive, if any.



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

Date Signed: **9/12/2014**

Date Mailed: **9/12/2014**

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:

