

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

IN THE MATTER OF:

██████████
██████████████████
██████████

Reg. No.: 14-010872
Issue No.: 1008
Case No.: ██████████
Hearing Date: October 16, 2014
County: WAYNE (57)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 October 16, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Hearing Facilitator.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) benefits for failure to participate in employment and/or self-sufficiency activities?

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 was an ongoing FIP recipient.
2. On August 1, 2014, the Department sent Claimant a PATH Appointment Notice scheduling an appointment for August 11, 2014.
3. Claimant failed to appear for the PATH appointment as she did not read the PATH Appointment Notice until after the appointment date had passed.
4. On August 20, 2014, the Department sent Claimant a Notice of Noncompliance scheduling a meeting for August 26, 2014 to allow Claimant to explain why she failed to appear for the August 11, 2014 PATH appointment.
5. Also on August 20, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FIP benefits would close effective October 1, 2014 for failure

to participate in employment and/or self-sufficiency activities and also advised that a sanction had been imposed from October 1, 2014 through December 31, 2014.

6. Claimant did not attend the August 26, 2014 meeting.
7. On August 28, 2014, Claimant filed a Request for Hearing disputing 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), 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.

Additionally, Department policy requires that clients complete the 21 day PATH AEP part of orientation which is an eligibility requirement for approval of the FIP application. PATH participants must complete all of the following in order for their FIP application to be approved:

- Begin the AEP by the last date to attend as indicated on the DHS-4785, PATH Appointment Notice.
- Complete PATH AEP requirements.
- Continue to participate in PATH after completion of the 21 day AEP. BEM 229 (July 2013), p. 1.

On August 1, 2014, the Department sent Claimant a PATH Appointment Notice scheduling an appointment for August 11, 2014. Claimant failed to appear for the PATH appointment as she stated that she did not read the PATH Appointment Notice until after the appointment date had passed.

On August 20, 2014, the Department sent Claimant a Notice of Noncompliance scheduling a meeting for August 26, 2014 to allow Claimant to explain why she failed to appear for the August 11, 2014 PATH appointment. Also on August 20, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FIP benefits would close effective October 1, 2014 for failure to participate in employment and/or self-sufficiency activities and also advised that a sanction had been imposed from

October 1, 2014 through December 31, 2014. The Department defines noncompliance as doing any of the following without good cause:

- Failing or refusing to:
 - Appear and participate with PATH or other employment service provider... BEM 233A (July 2013), p. 2.

PATH participants will not be terminated from PATH without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A, p. 9. Claimant acknowledged receipt of the Notice of Noncompliance sent by the Department on August 20, 2014. Claimant stated that she attempted to contact her worker to advise that she would be unable to attend the meeting to discuss her noncompliance because she had recently began working. The Department denied that it ever received a call from Claimant.

The purpose of the meeting is to allow a client an opportunity to provide good cause for noncompliance. Good cause includes the following:

- Employed 40 hours
- Client Unfit
- Illness or injury
- Reasonable Accommodation (for client disability)
- No child care
- No Transportation
- Illegal Activities
- Discrimination
- Unplanned Event or Factor
- Comparable Work
- Long Commute
- EFIP

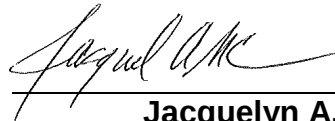
BEM 233A, pp 5-7.

In this case, Claimant testified that she did not begin work until August 20, 2014, which was nine days after the PATH Appointment date. Claimant also testified that she simply failed to timely check her mail. It was Claimant's responsibility to timely check her mail and failure to do so does not provide a basis upon which good cause can be found.

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 policy when it closed Claimant's FIP benefits for and imposed a three month sanction for failure to participate in employment related and/or self-sufficiency activities.

DECISION AND ORDER

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



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **10/20/2014**

Date Mailed: **10/20/2014**

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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:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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