

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 14-011608
Issue No.: 1008
Case No.: ██████████
Hearing Date: October 15, 2014
County: WAYNE (18)

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 15, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████ Assistance Payments Worker; ██████████, Family Independence Manager; and ██████████, PATH Coordinator.

ISSUE

Did the Department properly deny Claimant's application for Family Independence Program (FIP) benefits for failure to participate in employment and/or self-sufficiency related 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 had previously been deferred from participation in the PATH program.
2. On August 5, 2014, Claimant's deferral ended and she was re-referred to the PATH program with an appointment date of August 18, 2014.
3. Claimant left messages for her assigned case worker in an attempt to reschedule the August 18, 2014 appointment.
4. Claimant did not receive a return telephone call from her assigned worker.

5. On August 25, 2014, the Department sent Claimant a Notice of Noncompliance scheduling a meeting for September 4, 2014 to allow Claimant to explain why she failed to appear for the August 18, 2014 PATH appointment.
6. Also on August 25, 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.
7. Claimant did not attend the September 4, 2014 appointment.
8. On September 5, 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.

Claimant had previously been deferred from the PATH program. The deferral ended and she was re-referred to the PATH program. On August 5, 2014, the Department sent Claimant a PATH Appointment Notice scheduling her appointment for August 18, 2014 at 8:30 a.m. The PATH Appointment Notice stated that if Claimant could not keep the appointment, she should contact her worker before the appointment was missed. Claimant testified that she called her assigned worker on August 16, 2014 to advise that

she had begun work and would be unable to attend the scheduled PATH appointment. Claimant did not receive a return call. Claimant testified that she left a message for her worker again on August 18, 2014 requesting another PATH appointment date but did not receive a return call. Claimant indicated that she made additional attempts between August 19, 2014 and August 25, 2014 but did not receive a response from her worker.

On August 25, 2014 the Department sent Claimant a Notice of Noncompliance scheduling a meeting for September 4, 2014 to allow Claimant to explain why she failed to appear for the August 18, 2014 PATH appointment. Also on August 25, 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.

Claimant and the Department agree that Claimant came into the DHS office on August 29, 2014. However, the Department testified that Claimant was told of the September 4, 2014 meeting and Claimant indicated that she would attend. Claimant disputed this testimony and testified that when she came into the office on August 29, 2014, she was unable to speak to her worker and left a message requesting a return call, which she stated she never received.

Claimant testified that she had several workers during the time she was scheduled to attend PATH. The Department confirmed that Claimant had approximately three different workers during the relevant period. It is found that Claimant made reasonable attempts to have the August 18, 2014 appointment rescheduled and that she had a good and valid reason for requesting a new appointment. It is also found that the Department failed to reschedule Claimant's August 16, 2014 PATH appointment.

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 did not act in accordance with policy when it failed to reschedule Claimant's PATH appointment, closed her FIP benefits and imposed a three month sanction.

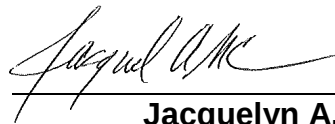
DECISION AND ORDER

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. Remove the sanction imposed on Claimant's case relating to FIP benefits from October 1, 2014 through December 31, 2014;

2. Reinstate Claimant's FIP benefits effective October 1, 2014; ongoing; and
3. Issue supplements to Claimant for FIP benefits for October 1, 2014, ongoing.



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

Date Signed: **10/21/2014**

Date Mailed: **10/21/2014**

JAM / cl

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]
[REDACTED]