

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

IN THE MATTER OF:

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Reg. No.: 14-012992
Issue No.: 1008
Case No.: ██████████
Hearing Date: October 30, 2014
County: Macomb-District 12

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 30, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Hearings Facilitator and ██████████, Family Independence Specialist.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case on the basis that she was subject to a lifetime disqualification for receipt of FIP benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On March 28, 2012, the Department sent Claimant a Notice of Case Action informing her that effective May 1, 2012, her FIP case would be closed on the basis that for the third time, she or a group member had failed to participate in employment related activities without good cause and that she was no longer eligible for FIP benefits. (Exhibit 8)
2. Claimant became subject to a lifetime disqualification of the FIP effective May 1, 2012.

3. On April 30, 2014, Claimant submitted a new application for FIP benefits that was approved by the Department.
4. On September 6, 2014, the Department sent Claimant a Notice of Case Action informing her that effective October 1, 2014, her FIP case would be closed on the basis that for the third time, she or a group member had failed to participate in employment related activities without good cause and that she was no longer eligible for FIP benefits. (Exhibit 10).
5. On September 29, 2014, Claimant submitted a hearing request 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.

As a condition of FIP eligibility, all Work Eligible Individuals ("WEI") must engage in employment and/or self-sufficiency related activities. BEM 233A (March 2012 and October 2014), p. 1. A WEI who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized. BEM 233A, p.1. The penalty for noncompliance without good cause is FIP case closure. Effective October 1, 2011, the first occurrence of non-compliance without good cause results in FIP closure for not less than three calendar months; the second occurrence results in closure for not less than six months; and a third occurrence results in a FIP lifetime sanction. BEM 233A, p. 6-8.

In this case, the Department presented sufficient evidence to establish that Claimant was subject to a lifetime sanction of the FIP based on a three occurrences of noncompliance without good cause. (Exhibit 1 and Exhibit 11). The Department established that Claimant's first occurrence of noncompliance without good cause was August 2010, (Exhibit 2, pp.5-6; Exhibit 3; and Exhibit 4); that Claimant's second occurrence of noncompliance without good cause was July 2011, (Exhibit 2, p.5; Exhibit 5; and Exhibit 6); and that Claimant's third occurrence of noncompliance without good cause which resulted in the lifetime disqualification became effective May 2012. (Exhibit 2, p. 3; Exhibit 7; and Exhibit 8).

The Department testified that in April 2014, Claimant reapplied for FIP benefits and was approved in error, as the Bridges system had not detected the lifetime disqualification. The Department stated that the lifetime disqualification was discovered in September 2014, when Claimant was determined to have once again been in noncompliance with work related activities. The Department testified that a Notice of Noncompliance and Notice of Case Action were sent to Claimant informing her of the intended case closure effective October 1, 2014, informing her that she would no longer be eligible for FIP based on a third occurrence of noncompliance. (Exhibit 9 and Exhibit 10). The Department further testified that although Claimant was determined to have good cause for her noncompliance in September 2014, because Claimant was determined to have been subject to a lifetime disqualification effective May 2012, she was no longer eligible for FIP benefits.

At the hearing, Claimant stated that she did not have any knowledge of any previous occurrences of noncompliance and testified that she was never notified of the previous penalties. Claimant testified that she believed her cases were closed because she was working and that she did not know she was subject to any noncompliance sanctions. Claimant did not provide any additional documentary evidence in support of her testimony.

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 because the Department established that Claimant was subject to a lifetime disqualification of the FIP based on a three occurrences of noncompliance without good cause effective May 2012, the Department acted in accordance with Department policy when it determined that Claimant was no longer eligible for FIP benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **11/3/2014**

Date Mailed: **11/3/2014**

ZB / tlf

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]
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