

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-016543
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: January 05, 2015
County: WAYNE-DISTRICT 57

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 January 5, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payments Supervisor, and [REDACTED], Program Manager.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case due to failure to participate in employment-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 moved from her residence on [REDACTED] in Detroit, Michigan, on or about [REDACTED].
2. Prior to Claimant's move from her residence, her mother applied for State Emergency Relief (SER) with the Department to prevent eviction.
3. Claimant was named in her mother's SER application as a person who would be evicted from the [REDACTED] residence.
4. Claimant was homeless from [REDACTED] until November of 2014.
5. The Department issued a PATH appointment notice to Claimant at Claimant's prior address on [REDACTED] in Detroit Michigan on [REDACTED].

6. Claimant did not receive the PATH Appointment Notice.
7. On [REDACTED], the Department issued a Notice of Noncompliance and a Notice of Case Action to Claimant at her prior address on [REDACTED] in Detroit, Michigan.
8. Claimant did not receive the Notice of Noncompliance and the Notice of Case Action.
9. Claimant requested a hearing on [REDACTED], protesting the closure of her FIP case, which closure was effective [REDACTED].

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.

In the present case, Claimant testified credibly that she moved from her residence on [REDACTED] in Detroit, Michigan, on or about [REDACTED]. Prior to Claimant's move from her residence, her mother applied for SER to prevent eviction. Claimant testified credibly, and without contradiction from the Department, that Claimant was named in the SER application as a person who would be evicted from the [REDACTED] residence. Claimant testified credibly that she was homeless from [REDACTED] until November of 2014.

The Department issued a PATH appointment notice to Claimant at Claimant's prior address on [REDACTED] in Detroit Michigan on [REDACTED]. Claimant testified credibly that she did not receive the PATH Appointment Notice, which instructed Claimant to attend an appointment on [REDACTED]. On [REDACTED], [REDACTED], the Department issued a Notice of Noncompliance and a Notice of Case Action to Claimant at her prior address on [REDACTED] in Detroit, Michigan. Claimant testified credibly that she did not receive the Notice of Noncompliance and the Notice of Case Action.

BEM 233A (10/2014), p. 1 instructs that a work-eligible individual who fails, without good cause, to participate in self-sufficiency-related activities must be penalized. Good cause includes homelessness. BEM 233A, p. 6

As Claimant was homeless at the time of the PATH appointment, of [REDACTED], it is found that Claimant had good cause to not attend the appointment.

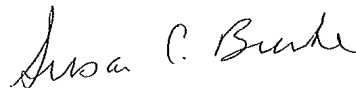
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Claimant's FIP case.

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 from Claimant's FIP case.
2. Reinstate Claimant's FIP case, effective [REDACTED].
3. Issue FIP supplements, in accordance with Department policy.



Susan C. Burke
Administrative Law Judge
For Nick Lyon, Interim Director
Department of Human Services

Date Signed: **1/6/2015**

Date Mailed: **1/6/2015**

SCB / hw

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 48909-8139

cc:

