

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-017217
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: February 04, 2015
County: Berrien

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 February 04, 2015, from Lansing , Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED] as hearing facilitators.

ISSUE

Did the Department properly deny the Claimant's application for Family Independence Program (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 November 10, 2014, the Claimant applied for Family Independence Program (FIP) benefits.
2. The Claimant was non-compliant with assigned employment and/or other self-sufficiency related activities without good cause on February 12, 2014, February 2, 2009, November 13, 2009, and July 30, 2014.
3. On December 8, 2014, the Department notified the Claimant that it had denied her application for Family Independence Program (FIP) benefits.
4. On November 25, 2014, the Department received the Claimant's request for a hearing protesting the denial of her Family Independence Program (FIP) application.

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).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness. The Michigan Administrative Hearing System (MAHS) may grant a hearing for any of the following:

MAHS may grant a hearing about any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits or services are provided.
- Delay of any action beyond standards of promptness.
- For FAP only, the current level of benefits or denial of expedited service. Department of Human Services Bridges Administrative Manual (BAM) 600 (March 1, 2014), p 4.

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1). Moreover, the Department of Human Services Bridges Administrative Manual (BAM) 600 (March 1, 2014), p. 5, provides in relevant part as follows:

The client or authorized hearing representative has *90 calendar days from the date of the written notice of case action to request a hearing*. The request must be received anywhere in DHS within the 90 days. [Emphasis added.]

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.

Federal and state laws require each work eligible individual (WEI) in the FIP group to participate in Partnership. Accountability. Training. Hope. (PATH) or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment.

PATH is administered by the Workforce Development Agency, State of Michigan through the Michigan one-stop service centers. PATH serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. PATH case managers use the One-Stop Management Information System (OSMIS) to record the clients' assigned activities and participation. Department of Human Services Bridges Eligibility Manual (BEM) 230A (October 1, 2014), p 1.

Depending on the case situation, penalties for noncompliance with self-sufficiency related activities include the following:

- Delay in eligibility at application.
- Ineligibility.
- Case closure for a minimum of three months for the first episode of noncompliance, six months for the second episode of noncompliance and lifetime closure for the third episode of noncompliance. Department of Human Services Bridges Eligibility Manual (BEM) 233A (October 1, 2014), p 1.

The Department applies policies associated with a Family Independence Program (FIP) related noncompliance and budgets the last Family Independence Program (FIP) grant amount into the Food Assistance Program (FAP) budget. The Family Independence Program (FIP) grant is removed from the Food Assistance Program (FAP) budget at the end of the Family Independence Program (FIP) penalty period. For individuals serving a lifetime sanction, the Department will remove the Family Independence Program (FIP) income from the Food Assistance Program (FAP) budget once the individual reaches their Family Independence Program (FIP) lifetime time limit. Department of Human Services Bridges Eligibility Manual (BEM) 233B (July 1, 2013), p 3.

On November 10, 2014, the Claimant applied for Family Independence Program (FIP) benefits. The Claimant has been found by the Department to have been noncompliant with assigned employment and/or other self-sufficiency related activities without good cause on three or more occasions. The Department sent the Claimant notice of a lifetime sanction of her eligibility to receive Family Independence Program (FIP) benefits on July 30, 2014.

The Claimant's request for a hearing received by the Department on November 25, 2014, is not a timely hearing request with respect to the Department placing a life time sanction on her eligibility to receive Family Independence Program (FIP) benefits.

The Claimant's is entitled by BAM 600 to a hearing to dispute the denial of her November 10, 2014, application for Family Independence Program (FIP) benefits. This application was denied because of the lifetime sanction and the validity of this sanction is longer subject to review by the Michigan Administrative Hearing System (MAHS).


The Claimant argued that she was not aware that the Department would impose a lifetime sanction when it found her to be non-compliant with self-sufficiency related activities on July 30, 2014.

This Administrative Law Judge finds that the Department sent the Claimant adequate and timely notice of its intentions to place a lifetime sanction on her Family Independence Program (FIP) eligibility on July 30, 2014.

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 Department policy when it denied the Claimant's November 10, 2014, application for Family Independence Program (FIP) benefits.

DECISION AND ORDER

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



Kevin Scully
Administrative Law Judge
for Nick Lyon, Acting DHS Director
Department of Human Services

Date Signed: **2/6/2015**

Date Mailed: **2/6/2015**

KS/las

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:

