

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-018146
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: January 22, 2015
County: Kent-District 1

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Thursday, January 22, 2015, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], HF, [REDACTED], FIS, [REDACTED], FIM, and [REDACTED], MWA.

ISSUE

Did the Department properly close Claimant's case for Family Independence Program (FIP)?

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 received FIP benefits.
2. On November 5, 2014, the Department closed Claimant's case due to noncooperation with the PATH program.
3. On November 5, 2014, the Department sent Claimant/Claimant's Authorized Representative (AR) its decision.
4. On December 11, 2014, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting 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), and Department of Human Services Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

Additionally, the Claimant was an ongoing FIP recipient. The Department had referred the Claimant to the PATH program as a condition of receiving FIP benefits. The Claimant was noncompliant with the PATH program on November 5, 2014 because she had unexcused absences from October 27, 2014 through October 31, 2014 and November 3, 2014 through November 4, 2014. Department Exhibit 8. On November 5, 2014, the Department sent the Claimant a Notice on Noncompliance, DHS 2444, for a triage meeting on November 12, 2014. Department Exhibit 3-4. On November 5, 2014, the Department sent the Claimant a notice that her FIP case was closed effective December 1, 2014 for noncompliance with PATH for a 2nd sanction of 6 months. Department Exhibit 5-7. The Department conducted a triage meeting on November 12, 2014 where the Claimant was a no call/no show and it was determined that the Claimant did not have good cause for noncompliance with the PATH program. Department Exhibit 8.

During the hearing, the Claimant stated that her car got repossessed so she no longer had transportation. She stated that she no longer wanted to participate in the PATH program because it would be too difficult to get there without a car with her children. The Claimant stated that she was homeless at the end of October 2014. She stated that she told her old caseworker to close her FIP case. There was no record of the Claimant requesting to close her case or that she was homeless by the Department or PATH. In addition, the Claimant spent her grant for October 2014 and November 2014 that she received.

Based on the evidence and testimony available during the hearing, the Department's determination that the Claimant did not have good cause for PATH noncompliance with the PATH program is reasonable. The Department has established that it acted properly when it closed the Claimant's FIP benefits for noncompliance with the PATH program. This is the Claimant's 2nd sanction where her FIP benefits will be cancelled for 6 months, but the Claimant can reapply during the last month of her sanction.

The Administrative Law Judge, based upon 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 closed the Claimant's FIP for not participating with the PATH program for 2nd noncompliance.

DECISION AND ORDER

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

Carmen G. Fahie

Carmen G. Fahie
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **1/28/2015**

Date Mailed: **1/28/2015**

CGF/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 48909-8139

cc:

