

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-018332
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: January 22, 2015
County: Genesee-District 2

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, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], HF.

ISSUE

Did the Department properly close and reduced the Claimant's case for Family Independence Program (FIP) and Food Assistance Program (FAP)?

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 and FAP benefits.
2. On September 22, 2014, the Department closed and reduced Claimant's cases due to non-participation with the PATH program.
3. On September 22, 2014, the Department sent Claimant/Claimant's Authorized Representative (AR) its decision.
4. On December 2, 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.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

Additionally, the Claimant was an ongoing FIP recipient. The Claimant was deferred from the PATH program. Participation in the PATH is required program as a condition of receiving FIP benefits. On September 8, 2014, the Department Caseworker sent the Claimant a Verification Checklist for written verification that was due September 18, 2014. Department Exhibit 5-7. The Claimant failed to provide the required verification of her medical verification for the continuation of her medical deferral due on September 18, 2014. As a result, the Department Caseworker sent the Claimant a notice that FIP would be closing on November 1, 2014 due to failure to provide verification. On October 21, 2014, the Department Caseworker sent the Claimant a Verification Checklist for written verification of that was due October 31, 2014. Department Exhibit 8-13. Department Exhibit a-d. BEM 230A and 233A. BAM 130.

During the hearing, it wasn't clear as to what the Department Caseworker had done with the Claimant's case. The Department was represented by a Hearing Facilitator and the Department Caseworker was not present. The Claimant had not turned in the required paperwork in a timely manner as is required by the Department. As a result, the Claimant should have been sent back to PATH. There was no written verification submitted by the Department that the Claimant was sent an appointment notice to attend PATH. There was a case note that she had been sent to PATH and failed to attend. Department Exhibit 14. However, there was no copy of a PATH appointment notice in the packet. In addition, if the Claimant had not attended PATH then there should also be a notice of noncompliance and a triage performed and documented. There was no verification provided that any of those procedures had been done.

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 not reasonable. The Department has not established that it acted properly when it closed the Claimant's FIP benefits for noncompliance with the PATH program and decreased the Claimant's FAP benefits. This was the Claimant's 1st sanction where her FIP benefits was to be closed for 3 months. The Department actions are reversed where the Claimant is entitled to continued FIP and FAP during the contested time period and the 1st Sanction is removed from the Claimant's record. In addition, the Claimant needs to be referred to PATH.

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 did not act in accordance with Department policy when it failed to send the Claimant back to

PATH after her deferral period ended or document a PATH appointment notice, triage and noncompliance.

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. Reinstate the Claimant's benefits for FIP and FAP retroactive to November 2014 and send out a new notice sending the Claimant back to PATH.
2. Provide the Claimant with written notification of the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits she/he may be eligible to receive, if any.



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

Date Signed: **1/27/2015**

Date Mailed: **1/27/2015**

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:

