

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-13262
Issue No(s): 1008
Case No.: [REDACTED]
Hearing Date: December 19, 2013
County: Kalamazoo

ADMINISTRATIVE LAW JUDGE: Katherine Talbot

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 December 13, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Case Manager.

ISSUE

Did the Department properly close the Claimant's 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. The Claimant was receiving Family Independence Program (FIP) benefits.
2. The Claimant was deferred from participation with the work program from June 26, 2013 to September 25, 2013. This deferral ended on September 25, 2013.
3. On October 1, 2013, the Claimant was referred to the Partnership, Accountability, Training, Hope (PATH) program. The Department sent the Claimant a PATH Appointment Notice on that date. Exhibit 3. The appointment was scheduled for 8:45 am on October 14, 2013. *Id.*

4. The Claimant arrived for the PATH appointment at approximately 9:15 am on October 14, 2013. She was told she had arrived too late for the appointment. The Claimant was not permitted to participate on that date.
5. On October 23, 2013 the Department sent the Claimant a Notice of Case Action. Exhibit 5. This notified the Claimant that he FIP benefits were to close as of December 1, 2013 for failure to attend the PATH appointment. *Id.*
6. On October 31, 2013 the Department conducted a triage with the Claimant. The Department did not find good cause for the Claimant's failure to attend the PATH appointment.
7. The Claimant works nights. Her work shift ended at 6:00 am on October 14, 2013.
8. The Claimant relies on public transportation. On October 14, 2013 she utilized public bus transportation to travel from her work location to the office where the PATH appointment was scheduled.

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, 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.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315 and is administered by the Department pursuant to MCL 400.10.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and by Mich Admin Code, R 400.7001 through R 400.7049.

Direct Support Services (DSS) is established by the Social Welfare Act, MCL 400.1-.119b. The program is administered by the Department pursuant to MCL 400.10 and 400.57a and Mich Admin Code R 400.3603.

The State SSI Payments (SSP) program is established by 20 CFR 416.2001-.2099 and the Social Security Act, 42 USC 1382e. The Department administers the program pursuant to MCL 400.10.

The Claimant had an appointment with the PATH program at 8:45 a.m. on October 14, 2013. The Claimant arrived late for the appointment. She arrived at approximately 9:15 am. The Claimant was not allowed to participate on that date because she arrived too late. The PATH appointment notice does state individuals who arrive after 9:00 am will not be allowed to participate. Exhibit 3.

The Claimant testified she arrived late for the PATH appointment because she had to rely on the public bus system. The Claimant testified the buses run on the hour. She had to sit and wait for long periods in order to travel from her work location to the PATH appointment. She testified she left work at approximately 6:00 am she took buses to the PATH appointment. The Claimant's testimony was credible and not contradicted.

After a triage meeting the Department determined that the Claimant had not established good cause for her failure to attend the PATH appointment.

Bridges Eligibility Manual (BEM) 233A, p 4-6, provides that good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the noncompliant person. Good cause includes, "Credible information indicates an unplanned event or factor which likely

prevents or significantly interferes with employment and/or self-sufficiency-related activities.” BEM 233A, p 6.

The Claimant attempted to travel from her work place to the PATH appointment. It took over three hours to travel on the public transportation system. This is an excessive amount of time. Accordingly the Administrative Law Judge finds the delay was caused by an unplanned event or factor. See BEM 233A, p 6. The Claimant could not control the efficiency of the bus system. The delays caused by the bus system “significantly interfered” with the claimant’s ability to attend the PATH appointment. See BEM 233A.

Based on the totality of the evidence, the Administrative Law Judge concludes that the Department erroneously determined that the Claimant did not have good cause for her non-compliance. Therefore, the Administrative Law Judge finds that the Department did not act in accordance with Department policy when it closed the Claimant’s Family Independence Program cash benefits.

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. Initiate action to reinstate the Claimant’s FIP cash benefits back to the date of closure, and
2. Initiate action to issue the Claimant any supplements she may thereafter be due.



Katherine Talbot
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 12/23/13

Date Mailed: 12/23/13

NOTICE OF APPEAL: The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for

Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted 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 Department, AHR or the Claimant 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 the hearing decision is mailed.

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

KT/tb

cc:

