

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

IN THE MATTER OF:

██████████
██████████████████
██████████

Reg. No.: 2014-22020
Issue No(s): 1008;2000;3001
Case No.: ██████████
Hearing Date: February 13, 2014
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 February 13, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Family Independence Specialist.

ISSUE

Did the Department properly process Claimant's Family Independence Program (FIP), Food Assistance Program (FAP), and Medical Assistance (MA) 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. Claimant was an ongoing recipient of FAP and MA benefits.
2. In October 2013, Claimant submitted an application for FIP benefits.
3. On January 3, 2014, the Department sent Claimant a Notice of Noncompliance instructing him to attend a triage meeting on January 10, 2014, to discuss whether good cause existed for the noncompliance. (Exhibit 1)
4. On January 3, 2014, the Department sent Claimant a Notice of Case Action informing him that effective February 1, 2014, his FIP case would be closing and a

three month sanction imposed, based on a failure to participate in employment related activities without good cause.(Exhibit 2)

5. Claimant's FAP case closed effective November 1, 2013. (Exhibit 3)
6. There was no negative action taken with respect to Claimant's MA benefits.
7. On January 13, 2014, Claimant submitted a hearing request disputing 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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

FIP

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.

PATH participants must complete the 21-day PATH application eligibility period (AEP) part of orientation which is an eligibility requirement for approval of the FIP application. BEM 229 (July 2013), pp. 1, 6. This requires that the client (i) begin the AEP by the last date to attend as indicated on the PATH Appointment Notice, (ii) complete the PATH AEP requirements, and (iii) continue to participate in PATH after completion of the 21-day AEP. BEM 229, p.1. Failure by a client to participate fully in assigned activities while the FIP application is pending will result in denial of FIP benefits. BEM 229, p. 6. Noncompliance while the application is pending results in group ineligibility and the Department is not to schedule a triage for instances of noncompliance while the FIP application is pending. BEM 233A (July 2013), pp. 7, 9. Additionally, the Department is to certify FIP program approval or denial of the application within 45 days. BAM 115 (July 2013), p. 15.

In this case, Claimant submitted an application for FIP benefits in October 2013. The Department testified that because Claimant did not submit his required job search logs for the week of December 15, 2013, it sent Claimant a Notice of Noncompliance informing him that he was required to attend a triage meeting on January 10, 2014, to discuss whether or not he had good cause for his failure to submit his job search logs. (Exhibit 1). The Department stated that Claimant failed to attend the triage meeting and did not contact the Department prior to the meeting to inform the Department that he was unable to attend. The triage was conducted in Claimant's absence, at which the Department determined that Claimant did not have good cause for his failure to

cooperate with employment related activities, and initiated the closure of his FIP case, effective February 1, 2014.

At the hearing, Claimant testified that he had been compliant with all work related activities and submitted all of his job search logs prior to December 15, 2013. Claimant credibly stated that he did not turn in his job search logs for the week of December 15, 2013, because he had gone to his local office to inquire about the status of his FIP application, as he had applied two months prior and had not started receiving benefits yet and was informed by a Department worker that he did not have an active FIP case and was instructed to submit a new application for FIP benefits, which Claimant stated he did. Claimant testified that he did not attend his triage appointment because he did not receive the Notice of Noncompliance until January 11, 2014, one day after the triage date.

A review of the case notes from Claimant's worker establishes that Claimant attended PATH orientation on October 28, 2013, and completed the 21 Day AEP on November 14, 2013. Claimant continued to be compliant with his work activities until December 15, 2013, consistent with his testimony. (Exhibit 4). Additionally, a review of the Eligibility Summary presented by the Department establishes that Claimant's FIP benefits were not certified until December 19, 2013. (Exhibit 3). This is more than 45 days after the application date and not in accordance with Department policy. Further, because Claimant's application had not yet been approved and he had not started receiving FIP benefits until December 19, 2013, any noncompliance prior to that date would require the Department to deny the application, rather than refer Claimant to a triage, and impose a sanction. The Eligibility Summary supports Claimant's testimony that he was informed that his FIP case was not open as of December 15, 2013, and that any failure to submit job search logs for that week is justified.

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 after further review of the evidence presented, the Department has failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined that Claimant did not have good cause for his failure to participate in employment related activities, closed Claimant's FIP case and imposed a three month sanction.

FAP

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.

Claimant submitted a hearing request disputing the Department's closure of his FAP case. According to the Eligibility Summary, Claimant's FAP case was closed effective November 1, 2013. Claimant's FAP case was reopened for the period of December 1, 2013 through January 31, 2014, however, it was closed again effective February 1,

2014. (Exhibit 4). At the hearing, the Department remained unable to explain the reason for the case closure and did not present any evidence with respect to Claimant's FAP case. The Department acknowledged the error and indicated on the record that it would review Claimant's eligibility for FAP benefits effective November 1, 2013. Therefore, the Department has failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Claimant's FAP case.

MA

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.

At the hearing, Claimant testified that he submitted a hearing request because he believed that his MA case had been closed. The Department testified that Claimant had active and ongoing MA benefits and that there had been no lapse in Claimant's MA coverage. The Department presented an Eligibility Summary in support of its testimony. (Exhibit 4). A review of the Eligibility Summary establishes that Claimant does have active and ongoing MA benefits. Therefore, there has been no negative action taken by the Department with respect to Claimant's MA case within the 90 days prior to his filing of a hearing request. As such, Claimant's hearing request with respect to MA is **DISMISSED** for lack of jurisdiction. BAM 600 (July 2013), pp.4-6,

DECISION AND ORDER

Accordingly, Claimant's hearing request with respect to MA is DISMISSED and the Department's FIP and FAP decisions are 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 that was imposed on Claimant's FIP case;
2. Reinstate Claimant's FIP case effective February 1, 2014;
3. Issue supplements to Claimant for any FIP benefits that he was entitled to receive but did not from February 1, 2014, ongoing;
4. Reinstate Claimant's FAP case effective November 1, 2013; and
5. Issue supplements to Claimant for any FAP benefits that he was entitled to receive but did not from November 1, 2013, ongoing.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 19, 2014

Date Mailed: February 19, 2014

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

ZB/tm

CC:

