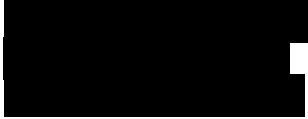


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 2014-24102
Issue No.: 1008, 3007
Case No.: [REDACTED]
Hearing Date: February 24, 2014
County: Pathway to Potential

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 24, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Specialist.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case and reduce her Food Assistance Program (FAP) benefits based on her failure to participate in employment-related activities without good cause?

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 benefits.
2. In January 2013, Claimant applied for FIP and sought a deferral from participation in the PATH work participation program because of a disability.
3. On July 16, 2013, the Medical Review Team (MRT) concluded that Claimant was not disabled/work-ready with limitation.

4. On December 2, 2013, the Department sent Claimant a PATH Appointment Notice requiring that she attend the PATH orientation on December 11, 2013.
5. Claimant called the Department prior to December 11, 2013, and advised her worker that she would not be able to attend the PATH appointment because the medications she was taking made her unable to participate.
6. Claimant did not attend the December 11, 2013, PATH appointment.
7. On December 21, 2013, the Department sent Claimant (i) a Notice of Noncompliance notifying her of the PATH noncompliance and scheduling a triage on December 30, 2013 and (ii) and a Notice of Case Action notifying her that her FIP case would close and her FAP benefits would decrease effective February 1, 2014, because she had failed, without good cause, to comply with employment related activities.
8. On December 30, 2013, the Department held the triage, with Claimant participating by phone, and concluded that there was no good cause for Claimant's noncompliance.
9. The Department applied a three-month sanction to Claimant's FIP case and removed Claimant from her FAP group.
10. On January 28, 2014, Claimant filed a hearing request disputing the Department's actions in connection with the employment and training program.

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.

Additionally, as a condition of continued FIP eligibility, work eligible individuals are required to participate in a work participation program or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (October 2013), p. 1; BEM 233A (July 2013), p. 1.

At the hearing, the Department established that MRT concluded that Claimant was **not** disabled and could participate in the PATH program with accommodations. Based on MRT's decision, Claimant was sent to a PATH orientation on December 11, 2013. Claimant testified that she did not attend the orientation and had called the Department prior to the orientation date to advise her worker that she would not attend the PATH orientation because her medications made her unable to participate in the program. If a client fails to appear for a scheduled appointment or meeting related to assigned activities or states orally or in writing a definite intent not to comply with program requirements, the individual is in noncompliance with employment-related activities. BEM 233A (July 2013), pp. 2-3. Claimant's failure to attend the December 11, 2013, meeting and statement that she would not be able to participate established that she was in noncompliance with employment-related activities.

Before terminating a client from the work participation program and closing her FIP case, the Department must schedule a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A, p. 9. Good cause is a valid reason for noncompliance with employment and/or self-sufficiency-related activities based on factors beyond the control of the noncompliant person. BEM 233A, p. 4. Good cause includes the client being physically or mentally unfit for the job or activity as shown by medical evidence or other reliable information or the client having a debilitating illness or injury. BEM 233A, p. 5.

In this case, Claimant participated in the December 30, 2013, triage and alleged that she could not participate in the PATH program because of her medical condition and the medication that she was taking. Where a case involves an MRT decision, the Department is required to gather new verifications and send for an updated MRT decision if the client states they have new medical evidence or a new condition resulting in a disability greater than 90 days. BEM 230A, p. 16. If no new medical evidence is provided, the previous MRT decision stands. BEM 230A, p. 16.


In this case, in explaining her failure to attend the PATH orientation, Claimant relied on the same conditions and circumstances that were presented to, and considered by, MRT in assessing her PATH deferral. Because MRT concluded that Claimant was not disabled and because Claimant did not present any new medical evidence or condition to explain her noncompliance, the Department acted in accordance with Department policy when it concluded that Claimant had failed to establish good cause for her noncompliance and closed her FIP case. Because this was Claimant's first FIP employment-related noncompliance, the Department properly sanctioned Claimant's case with a three-month closure. BEM 233A, p. 8.

Because Claimant did not establish a FIP good cause reason for her employment-related noncompliance and because she was not the caretaker of a minor child under the age of six or participating in an post-secondary educational program, the FIP employment-related sanction resulted in Claimant being a disqualified member of her FAP group. BEM 233B, pp 2-3; BEM 230B (October 2013), p. 4. Because this is Claimant's first FAP noncompliance, she is removed from her FAP group for the longer of one-month or when she re-establishes FAP eligibility. BEM 233B (July 2013), pp. 6, 10-12. Because the December 21, 2013, Notice of Case Action shows that Claimant was removed from the FAP group for a one-month minimum and the Department testified that no other changes were made to Claimant's FAP budget, the Department acted in accordance with Department policy in reducing Claimant's FAP benefits based on the employment-related noncompliance.

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 closed Claimant's FIP case and reduced her FAP benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.


Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 3, 2014

Date Mailed: March 3, 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

ACE/pf

cc:

