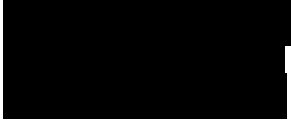


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 2014-24408
Issue No(s): 1008
Case No.: [REDACTED]
Hearing Date: February 26, 2014
County: Lenawee

ADMINISTRATIVE LAW JUDGE: Darryl T. Johnson

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 26, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant, [REDACTED]. Participant s on behalf of the Department of Human Services (Department) included Family Independence Specialist [REDACTED].

ISSUE

Did the Department properly terminate 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. Claimant was an on-going FIP recipient.
2. Because of medical issues the Department deferred Claimant from participation in the Partnership, Accountability, Training, Hope (PATH) program from October 11 to November 11, 2013. See statement from her doctor at Exhibit 1 Page 4.
3. On November 1, 2013 the Department mailed her a PATH Appointment Notice (Exhibit 1 Page 5) requiring her to appear at the Lenawee Service Center on November 12, 2013.
4. Claimant did not appear for her appointment.
5. On November 18, 2013, the Department mailed a Notice of Noncompliance (Exhibit 1 Pages 6-7) because she did not attend the appointment, and scheduling a triage for December 2, 2013.

6. Claimant did not attend the triage meeting.
7. On November 18, 2013, the Department mailed a Notice of Case Action (Exhibit 1 Pages 8-12) denying Claimant's FIP beginning January 1, 2014 because "You or a group member failed to participate in employment and/or self-sufficiency-related activities . . . without good cause." Claimant was also sanctioned with a three month period of ineligibility for FIP.
8. On January 10, 2014, Claimant reapplied for FIP
9. On January 13, 2014, the Department mailed a Notice of Case Action (Exhibit 1 Pages 13-17) denying Claimant's FIP application because she was still within the sanction period.
10. Claimant submitted a hearing request on January 23, 2014. (Exhibit 1 Pages 2-3).

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 MC L 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

A Claimant must cooperate with the local office in determining initial and ongoing eligibility, including completion of necessary forms, and must completely and truthfully answer all questions on forms and in interviews. BAM 105. The Department worker must tell the client what verification is required, how to obtain it, and the due date. BAM 130.

The PATH program requirements including education and training opportunities are found in BEM 229. Failure by a client to participate fully in assigned activities while the FIP application is pending will result in denial of FIP benefits. A Work Eligible Individual (WEI) who refuses, without good cause, to participate in assigned employment and/or other self-sufficiency related activities is subject to penalties. If the client does not return the activity log by the due date, it is treated as a noncompliance; see BEM 233A. When a FAP recipient is non-compliant, BEM 233B establishes several consequences."

If a participant is active FIP and FAP at the time of FIP noncompliance, determination of FAP good cause is based on the FIP good cause reasons outlined in BEM 233A. For the FAP determination, if the client does not meet one of the FIP good cause reasons, determine the FAP disqualification based on FIP deferral criteria only as outlined in BEM

230A, or the FAP deferral reason of care of a child under 6 or education. No other deferral reasons apply for participants active FIP and FAP. Determine good cause during triage appointment/phone conference and prior to the negative action period. Good cause must be provided prior to the end of the negative action period.

“Determine good cause during triage and prior to the negative action effective date. Good cause must be verified and provided prior to the end of the negative action period and can be based on information already on file with the DHS or PATH.” BEM 233A p 11 (7/1/13).

Per BEM 233A, “good cause for non-compliance” is based on factors beyond control of the client. Some circumstances that are considered “good cause” are: working 40 hours or more; client is unfit for a particular job; illness or injury; lack of child care; lack of transportation; unplanned events; long commute. “If it is determined during triage that the client has good cause, and good cause issues have been resolved, send the client back to PATH.”

The PATH Appointment Notice (Exhibit 1 Pages 5-6) explicitly states, “All applicants of Family Independence Program (FIP) benefits must attend PATH within 15 days of the date of this notice and continue to participate in PATH as long as you receive FIP.” “All applicants who are determined to be mandatory work participants must participate in the 21 day application eligibility period. FIP applicants who do not attend PATH prior to case opening will be denied FIP benefits.”

The parties agreed that Claimant had been medically excused from the PATH program from August 26 to November 11, 2013. The Claimant also produced at the hearing another note from her doctor (Exhibit A) excusing her from participation from November 11, 2013 through December 10, 2013. Claimant testified that she had provided that notice to the Department on November 12; the Department’s witness testified that there was no record of that document being received prior to the hearing.

Claimant testified that she was in and out of town, traveling between her home where she lives with her parents in Adrian, and Chicago in November and December 2013, and that she never received the PATH notice. She testified that she was unaware of the PATH notice until December 6 or 7, after the appointment.

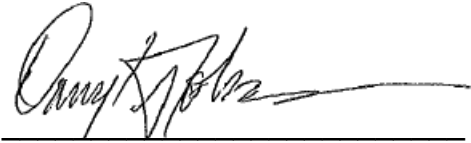
The policy requires the Claimant to participate in PATH unless otherwise excused. The Claimant did not participate. Although her doctor provided a note saying she “needs to be off work 11/11/2013 thru 12/10/2013” the Department did not receive the note until after the scheduled appointment. Triage was scheduled, and she did not attend the triage meeting. Since she did not attend the triage, she did not establish good cause for her non-compliance with the PATH program. It is possible that she could have demonstrated good cause during the triage meeting, but since she did not attend, good cause was not found.

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, and when it denied her reapplication.

DECISION AND ORDER

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



Darryl T. Johnson
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 27, 2014

Date Mailed: February 27, 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

DTJ/las

cc:

