

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

IN THE MATTER OF:

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

Reg. No.: 2014 8969
Issue No(s): 1010, 1008
Case No.: ██████████
Hearing Date: March 3, 2014
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 March 3, 2014, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant's Authorized Hearing Representative, ██████████ te. The Claimant did not appear. Participants on behalf of the Department of Human Services (Department) included ██████████, FIS, and ██████████, FIM.

ISSUE

Did the Department properly close the Claimant's FIP (cash assistance) and impose a sanction due to Claimant's non-compliance with the PATH Program attendance requirements?

Did the Department properly close the Claimant's FIP benefits due to Claimant exceeding the 48 month State of Michigan time limit?

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 an ongoing recipient of FIP benefits and was assigned to attend the PATH program.
2. The Claimant was sent a Notice of Non Compliance on August 31, 2013 for failing to attend the PATH program. Exhibit 2

3. The Department closed the Claimant's FIP case for two reasons: Failure to meet the PATH Program attendance requirements and exceeding the 48 month State of Michigan FIP time limits. Exhibit 1 and Exhibit 3
4. The Claimant requested a hearing on October 22, 2013 protesting the closure of her FIP case. The Claimant's hearing request was timely requested.

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.

Additionally, the issue in this case is whether the Department correctly closed and sanctioned the Claimant's FIP case for non-participation with PATH requirements and whether the Claimant's receipt of FIP benefits has exceeded the State of Michigan 48 month time limit.

A Notice of Non Compliance was sent to the Claimant on August 31, 2013 indicating no participation in required PATH activity and setting a triage for September 6, 2013. The Notice was sent to the Claimant at the correct address and thus is presumed to be received by the Claimant. There was no evidence presented to the contrary. At the hearing the Department testified credibly that the Claimant did not appear for the triage, a triage was held and there was no basis after review of the PATH participation which would allow the Department to determine good cause for failure to participate. Although the Claimant had advised the PATH program of possible domestic violence, no proof was presented to the PATH program prior to the triage, or at the triage to demonstrate that a personal protection order had been obtained or a police report filed. The Notice of Non Compliance states on the Notice that domestic violence could provide a good cause reason as an Unplanned Event or Factor. Exhibit 2, p.2. Therefore, based upon the proofs and evidence presented, the Department did establish a proper finding of no good cause and thus it is determined that the Department properly closed and sanctioned the Claimant's FIP case effective October 1, 2013. Exhibit 1 and Exhibit 2. BEM 229 AND BEM 233A (7/1/13)

The Department also determined that the Claimant's FIP case required closure due to exceeding the State of Michigan 48 month time limit for receipt of FIP benefits. BEM

The Department presented as evidence to support the closure a Michigan FIP Time Limit counter which demonstrated the Claimant had received 51 months of FIP benefits. Exhibit 3. The Claimant's Authorized Hearing Representative did not present any basis which would have called into question that the months were not correct and thus the Department met its burden of proof to show that the 48 month limit had been met and that Claimant was no longer entitled to receive FIP benefits after December 2013. BEM 234 pp.4, (7/1/13).

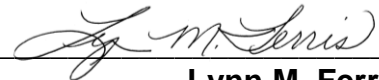
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department

acted in accordance with Department policy when it Closed the Claimant FIP Cash Assistance due to Non Compliance with Path Participation and due to exceeding the State of Michigan 48 month time limit.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 11, 2014

Date Mailed: March 11, 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.

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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

LMF/cl

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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