

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 14-018358  
Issue No.: 1008  
Case No.: [REDACTED]  
Hearing Date: January 15, 2015  
County: WAYNE-DISTRICT 57

**ADMINISTRATIVE LAW JUDGE: Susan C. Burke**

**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 January 15, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Case Manager, and [REDACTED], Family Independence Manager.

**ISSUE**

Did the Department properly close Claimant's Family Independence Program (FIP) case due to failure to participate in employment-related activities?

**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 FIP benefits and was required to participate in employment-related activities.
2. On [REDACTED], the Department sent Claimant a Notice of Case Action closing Claimant's FIP case, effective January 1, 2015, based on a failure to participate in employment-related activities without good cause.
3. On [REDACTED], the Department held a triage without Claimant being present, and found no good cause for failure to participate in employment-related activities.
4. On [REDACTED], Claimant requested a hearing disputing the Department's action.

5. On [REDACTED], the Department issued a Notice of Noncompliance, scheduling a triage for [REDACTED].
6. The Department did not conduct a triage on [REDACTED].

### **CONCLUSIONS OF LAW**

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

BEM 233A (10/2014), p. 1, require persons receiving FIP to participate in employment and/or self-sufficiency related activities. Failure to participate without good cause results in a penalty for the client. *Id.*, p. 8 The Department is required to issue a Notice of Noncompliance informing Claimant of a triage date to discuss good cause for non-participation. *Id.* p .9

In the present case, the Department claimed that it issued a Notice of Noncompliance requiring Claimant to be present for a [REDACTED] triage. However, the Department did not present for review at the hearing a Notice of Noncompliance with the [REDACTED] triage appointment date. On the other hand, Claimant presented a Notice of Noncompliance of [REDACTED], with a triage appointment date of [REDACTED], which the Department representative read into the record

Claimant testified credibly that she did not receive a triage notice for December of 2014. Without review of a December triage notice, it cannot be concluded that the Department acted in accordance with Department policy when it held the triage on [REDACTED] without Claimant being present. The Department did not claim that it held a triage on [REDACTED].

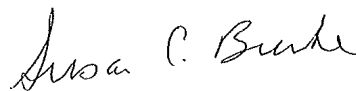
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Claimant's FIP case.

### **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. Remove the sanction from Claimant's case.
2. Reinstate Claimant's FIP case, effective [REDACTED].
3. Issue FIP supplements for any missed or increased payment.



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**Susan C. Burke**  
Administrative Law Judge  
for Nick Lyon, Interim Director  
Department of Human Services

Date Signed: **1/16/2015**

Date Mailed: **1/16/2015**

SCB / hw

**NOTICE OF APPEAL:** A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion.

MAHS **MAY** grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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 48909-8139

cc:

