

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-017806
Issue No.: PATH
Case No.: [REDACTED]
Hearing Date: February 12, 2015
County: KALAMAZOO

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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 12, 2015, from Kalamazoo, Michigan. Participants on behalf of the Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator, [REDACTED]; triage specialist from PATH, [REDACTED] and Assigned Employment Specialist, [REDACTED].

ISSUE

Did the Department properly take action to close the Claimant's Family Independence Program (FIP) case?

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 monthly FIP benefits.
2. On February 24, 2014, the Claimant acknowledged receipt via her signature of the PATH program contract and noncompliance process and policy.
3. On November 10, 2014, the Claimant submitted documentation of medical appointments on November 6, 2014 and November 7, 2014. This documentation had been falsified as the Claimant did not have appointments on those days and was only seen on November 5, 2014.
4. On November 21, 2014, the Department sent the Claimant a DHS-2444, Notice of Noncompliance informing the Claimant that she was in noncompliance status and

that she had an appointment for an opportunity to verify good cause for her noncompliance on December 1, 2014 at 9:00 AM.

5. On November 21, 2014, the Department sent the Claimant a DHS-1605, Notice of Case Action informing the Claimant that her FIP program would close January 1, 2015.
6. On December 1, 2014, the Department received the Claimant's written a hearing request protesting the closure of her FIP case.

PROCEDURAL HISTORY

This matter was originally scheduled to be heard on January 14, 2015 at 2:00 PM. On January 5, 2015, the Michigan Administrative Hearing System (MAHS) received the Claimant's written request for an in-person hearing. On January 6, 2015, Administrative Law Judge Gary Heisler issued an Adjournment Order for In-Person Hearing. The matter was then rescheduled for January 28, 2015 at 9:30 AM. On January 26, 2015, MAHS received the Claimant's second request for an adjournment which was supported by medical documentation. On January 27, 2015 Administrative Law Judge Aaron McClintic granted the Claimant's request and issued an Adjournment Order. The matter was then rescheduled for February 12, 2015 at 1:00 PM. On February 10, 2015, the MAHS received the Claimant's third written request for adjournment. On February 11, 2015, Administrative Law Judge C. Adam Purnell issued an Order Denying Request for Adjournment. The hearing commenced as scheduled and the Claimant participated by telephone while all others participated from the local DHS office in Kalamazoo County.

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, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

Additionally, Bridges Eligibility Manual (BEM) 233A (2014), pp. 10, 11, provide that the DHS-2444 Notice of Non-compliance state the date/dates of the Claimant's non-compliance and the reason why the Claimant was determined to be non-compliant. In this case, the DHS-2444, Notice of non-compliance, sent November 21, 2014, gives the Claimant notice that she was noncompliant because of "no participation in required activity." That notice scheduled a triage meeting for December 1, 2014. The Department ultimately concluded that the Claimant had no good cause for submitting falsified

documents. During the hearing, the Claimant testified that she was not trying to deceive anybody. This Administrative Law Judge described the documents at issue in great detail on the record. The Administrative Law Judge concludes that they are clearly altered and this fact was not contested during the hearing. The Claimant testified that she has been in an abusive relationship and that she did not mean to use the medical documentation at issue as the documents that she was supposed to submit to PATH. She made a mistake. The Administrative Law Judge asked the Claimant if she had the documents that she had intended to submit to PATH. The Claimant never did answer that question and offered no documents into evidence. The Administrative Law Judge concludes that the Department was acting in accordance with its policy when it determined that the Claimant was non-compliant because she submitted false documentation of medical appointments. The Administrative Law Judge concludes that the Department acted in accordance with its policy when it determined that the Claimant had no good cause for submitting false documents.

Bridges Eligibility Manual (BEM) 233A (2013) p. 8, provides that the penalty for noncompliance without good cause is FIP case closure. The Administrative Law Judge therefore concludes that when the Department took action to close the Claimant's FIP case, the Department was acting in accordance with its policy.

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 took action to close the Claimant's FIP case.

DECISION AND ORDER

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



Susanne E. Harris
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **2/17/2015**

Date Mailed: **2/17/2015**

SEH/hj

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:

