

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

IN THE MATTER OF:

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

Reg. No.: 14-018818
Issue No.: 1001
Case No.: ██████████
Hearing Date: March 16, 2015
County: Wayne-District 35 (Redford)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 16, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Hearings Facilitator.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case on the basis that he failed to complete a Family Self-Sufficiency Plan (FSSP)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On September 8, 2014, the Department sent Claimant a FAST Referred Notice instructing him to complete the FAST within 30 days and the FSSP within 90 days of the notice. (Exhibit B)
2. On December 8, 2014, the Department sent Claimant a Notice of Case Action informing him that effective January 1, 2015, his FIP case would be closed on the basis that he failed to complete the required FSSP. (Exhibit A)
3. On December 16, 2014, Claimant requested a hearing disputing the Department's actions.

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.

As a condition of FIP eligibility, all work eligible individuals (WEIs) and non-work eligible individuals (non-WEIs) must engage in employment and/or self-sufficiency related activities and are required to participate in the development of the FSSP within 90 days of the notice. BEM 228 (July 2013), pp. 1-2. The Department will use the ineligible grantee payment standard when the grantee is not a member of the program group. This status includes caretakers who are optional group members and choose not to be in the group. RFT 210 (December 2013), pp. 1-2. Ineligible caretakers are considered non-WEIs. BEM 228, p. 4. Although non-WEIs such as ineligible caretakers are not referred to PATH and are not required to participate in work related activities for a minimum number of hours, they must develop a FSSP for the family to reach self-sufficiency. BEM 228, p. 4; BEM 230A (January 2015), p. 18. A failure to complete a FSSP by the due date may result in case closure. BEM 228, p. 21; BEM 230A, p. 18.

In this case, the Department testified that because Claimant did not complete the FSSP within 90 days of the FAST Referred Notice, it sent Claimant a Notice of Case Action informing him that his FIP case would close effective January 1, 2015, based on his failure to complete the required FSSP. (Exhibit A and Exhibit B). The Department stated that despite Claimant having ineligible grantee status for FIP purposes, policy still required him to complete the FSSP.

At the hearing, Claimant confirmed that he received the FAST Referred Notice and confirmed that he did not complete the FSSP within 90 days of the Notice. Claimant stated that he is disabled and he was found to be unemployable by the [REDACTED]. Claimant provided a letter from the [REDACTED] in support of his testimony. (Exhibit 1). Although Claimant provided sufficient evidence to establish that he was determined disabled and unemployable, Claimant would be considered a non-WEI for FIP purposes and still required to develop a FSSP in order to help the family reach self-sufficiency.

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 on the basis that he failed to complete the required FSSP.

DECISION AND ORDER

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



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **4/9/2015**

Date Mailed: **4/9/2015**

ZB / tlf

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:

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