

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-009582
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: July 09, 2015
County: WAYNE-DISTRICT 17

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on July 9, 2015, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Hearing Facilitator and [REDACTED], FIS Case Manager.

ISSUE

Did the Department properly close and sanction the Claimant's FIP cash assistance for failure to comply with PATH requirements?

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 FIP benefit recipient. The Department closed and sanctioned the Claimant's case due to her failure to attend the PATH program as assigned, after the Department determined that the Claimant did not provide verification of PATH program barriers due to her pregnancy. Exhibit 3
2. The Department issued a Notice of Case Action on [REDACTED] closing the Claimant's FIP cash assistance on [REDACTED] and imposing a 3 month sanction for failure to participate in employment related activities when the Claimant did not attend the PATH program, and after a triage was held and the Claimant was sanctioned. The Claimant did not attend the triage. Exhibit 3

3. The Department issued a Verification Checklist on [REDACTED] requesting Claimant provide a written statement from a medical professional that Claimant had a barrier due to pregnancy and her due date. The Verifications were due [REDACTED]. Exhibit 4
4. On [REDACTED] the Claimant provided a doctor' letter dated [REDACTED] advising that due to the fact that she was carrying twins she could no longer work. The Department received the letter, but it was never uploaded to the Claimant's case file.
5. The Claimant requested a hearing on [REDACTED] protesting the closure of her FIP cash assistance case.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) 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-.3131.

Federal and state laws require each work eligible individual (WEI) in the FIP group to participate in Partnership. Accountability. Training. Hope. (PATH) or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. PATH is administered by the Workforce Development Agency, State of Michigan through the Michigan one-stop service centers. PATH serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. PATH case managers use the One-Stop Management Information System (OSMIS) to record the clients' assigned activities and participation. BEM 230A, (July 1, 2015) p. 1

In this case, at some time prior to the Claimant being assigned to the PATH program, the Claimant advised the Department that she was pregnant with twins and her pregnancy was a barrier to attending PATH. The Claimant also provided a letter from her doctor indicating she could not work due to her pregnancy. At the hearing it was conceded that the Claimant's doctor had previously submitted a letter on her behalf indicating that she could not work due to her pregnancy and complication with carrying

twins. The doctor's letter was received on [REDACTED] but was never uploaded to the case file. Thereafter, because the Department was unaware of the Claimant's doctor's letter, it sought verification to substantiate the barrier to PATH attendance, and when it believed that it did not receive any verification from her doctor about inability to work, it assigned the Claimant to attend the PATH program. The Department followed Department policy in all regards and found the Claimant in noncompliance with PATH requirements and closed and sanctioned her PATH case by Notice of Case Action on [REDACTED]. Unfortunately the Department was unaware, due to its own action of not uploading the doctor's letter, that the Claimant had met the verification requirement prior to the verification checklist being issued.

BEM 230A provides

Clients requesting a deferral from PATH due to pregnancy complications must provide medical verification that indicates that they are unable to participate. An individual requesting deferral greater than 90 days for pregnancy complications is not subject to the requirements for establishing long-term incapacity later in this item. BEM 230 A, (July 1, 2015), p. 9

As the Department conceded that the letter it received met the requirement requested by the verification that Claimant provide a written statement from a medical professional, it is clear that the Claimant should have been deferred from attending the PATH program.

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 did not act in accordance with Department policy when it closed and sanctioned the Claimant's FIP case for failure to comply with the PATH program work participation requirements, as the Claimant should have been deferred and not required to attend PATH.

DECISION AND ORDER

Accordingly, the Department's decision is

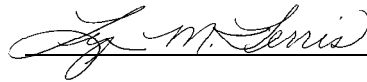
REVERSED.

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. The Department shall reinstate the Claimant's FIP case retroactive to the closure date, [REDACTED], and shall remove from its records and Claimant's case record

the three month sanction it imposed for noncompliance with PATH program requirements.

2. The Department shall issue a FIP supplement to the Claimant for FIP benefits she is otherwise entitled to receive in accordance with Department policy.



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **7/21/2015**

Date Mailed: **7/21/2015**

LMF / 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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

