

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 15-003134  
Issue No.: 1008; 3007  
Case No.: [REDACTED]  
Hearing Date: April 09, 2015  
County: CASS

**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 April 9, 2015, from Lansing, Michigan. Participants on behalf of the Claimant included the Claimant, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Family Independence Specialist, [REDACTED]; Assistance Payments Supervisor, [REDACTED] and Talent Development Specialist of the PATH program, [REDACTED].

**ISSUE**

Did the Department properly close the Claimant's case for Family Independence Program (FIP) and sanction the Claimant's case for Food Assistance Program (FAP)?

**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 received FIP benefits.
2. On March 1, 2015, the Department closed the Claimant's FIP case and sanction her FAP case due to her non-compliance with work-related activities.
3. On February 10, 2015, the Department sent the Claimant its decision.
4. On February 23, 2015, the Claimant filed a hearing request, protesting 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), and Department of Human Services Reference Tables Manual (RFT).

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.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

Additionally, Bridges Eligibility Manual (BEM) 230A (2013) p. 17, provides that when a Claimant determined by MRT to be work ready with limitations becomes noncompliant with PATH, the Claimant's worker is to follow instructions outlined in BEM 233A. BEM 233A (2013) 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 February 10, 2015, gives the Claimant notice that she was noncompliant because of "no participation in required activity." That notice scheduled a triage meeting for February 19, 2015. It is not tested the Claimant did not attend the triage meeting. As such, the Department found that the Claimant had no good cause for her noncompliance.

In this case, the Claimant testified that she did not know that she could not continue to simply do job-search employment related requirements, as opposed to also doing a required amount of community service. The Michigan Works Talent Development Specialist testified that the employment related requirements were thoroughly explained and reviewed several times with the Claimant. This testimony is found to be credible and persuasive as it is logical, not refuted in any detail and consistent with much other evidence in the record. As such, this Administrative Law Judge concludes that the Department properly determined that the Claimant was in noncompliance, without good cause, with employment related activities.

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.

Furthermore, BEM (2013) p. 3, provides that when a Claimant is active FIP and becomes noncompliant with a program requirement without good cause, the noncompliant group member is disqualified from the FAP group for a minimum of one month. As such, this Administrative Law Judge concludes that when the Department took action to sanction the Claimant's FAP case, the Department was acting in accordance with its policy.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law finds that the Department acted in accordance with Department policy when it took action to close the Claimant's FIP and sanction the Claimant's FAP case.

### **DECISION AND ORDER**

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



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

Date Signed: **4/13/2015**

Date Mailed: **4/13/2015**

SEH/sw

**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:

