

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-003189
Issue No.: PATH
Case No.: [REDACTED]
Hearing Date: May 13, 2015
County: KENT-DISTRICT 1 (FRANKLIN)

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; and Mich Admin Code, R 792.11002. After due notice, an in-person hearing was held on May 13, 2015, from Grand Rapids, Michigan. Participants on behalf of the Claimant included the Claimant and her attorney, [REDACTED] of [REDACTED]. Participants on behalf of the Department of Health and Human Services (Department) included Assistant Attorney General, [REDACTED]; Family Independence Manager, [REDACTED] and Case Manager, [REDACTED].

ISSUE

Did the Department properly take action to close the Claimant's Family Independence Program (FIP) due to her non-compliance with 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. The Claimant received FIP benefits.
2. On March 1, 2015, the Department closed the Claimant's FIP case due to non-compliance with employment related activities because she failed to attend her appointment with the PATH program.
3. On February 12, 2015, the Department sent the Claimant its decision.
4. On February 26, 2015, the Claimant filed a hearing request, protesting the Department's actions.

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.

In this case, the Claimant testified that she disagreed with the MRT's determination that she can work with limitations. The Claimant was informed that there is no provision in departmental policy which allows for the Administrative Law Judge to revisit a determination of the MRT. Indeed, BEM 230A p. 20, provides that when a deferral is not granted, it is not a loss of benefits, termination or negative action. When a client requests a hearing based on not being granted a deferral, be sure to advise the client at the pre-hearing conference and use the DHS-3050, Hearing Summary, to inform the Administrative Law Judge the action did not result in a loss of benefits or services. Be sure the client understands the time to file a hearing is once he/she receives a notice of case action for noncompliance.

Bridges Eligibility Manual (BEM) 230A (2013) p. 14, provides that Claimants determined as work ready with limitations are required to participate in PATH as defined by MRT. BEM 230A (2013) p. 17, provides that when a client 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) p. 3, provides that, failing or refusing to appear and participate with the PATH or other employment service provider constitutes noncompliance. As such, the Administrative Law Judge concludes that the Department properly determined that the Claimant was non-compliant with employment related activities.

In this case, the Claimant argued that she had good cause for her noncompliance. The Claimant argued that she was physically unfit for the job or activity. Yet, this Administrative Law Judge concludes that appearing at an appointment requires no more of the Claimant and her appearance at the hearing, of which she was clearly capable. The Claimant had not yet been asked to do anything that she was physically incapable of. Furthermore, the documentation the Claimant submitted after the triage still did not constitute proper verification that she was unfit to attend and participate in the PATH program. Therefore, the Administrative Law Judge concludes that when the Department determined the Claimant had no good cause for her noncompliance, the Department was acting in accordance with its policy.

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.

DECISION AND ORDER

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



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

Date Signed: **5/18/2015**

Date Mailed: **5/18/2015**

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 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:

