

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 15-003642
Issue No.: 1008, 3008
Case No.: ██████████
Hearing Date: April 15, 2015
County: Wayne-District 15 (Greydale)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 April 15, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Family Independence Specialist, and ██████████, Assistant Manager at the Development Center.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case and reduce her Food Assistance Program (FAP) benefits due to noncompliance 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. Claimant was an ongoing recipient of FIP and FAP benefits.
2. Claimant was participating in the PATH program.
3. On an unknown date, the PATH program sent Claimant a letter advising her to attend a meeting on February 12, 2015, to discuss her failure to submit check stubs and to meet 30 hours of weekly employment.
4. Claimant did not attend the February 12, 2015, meeting.

5. On an unknown date, the Department notified Claimant that she was in noncompliance with her employment-related activities and scheduled a triage to discuss the noncompliance and any good cause explanations.
6. Claimant attended the triage.
7. The Department concluded that Claimant did not have good cause for the noncompliance.
8. On an unknown date, the Department closed Claimant's FIP case and removed her from her FAP group, thereby reducing the group's FAP benefits.
9. On March 3, 2015, Claimant filed a request for 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.

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 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

Claimant requested a hearing concerning the closure of her FIP case and reduction of her FAP benefits. The Department did not provide a Notice of Case Action showing when the FIP case closed and FAP benefits were reduced. The Department testified that the FIP case closure and FAP reduction was due to Claimant's failure to comply with employment-related activities.

As a condition of continued FIP eligibility, work eligible individuals are required to participate in a work participation program or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (January 2015), p. 1; BEM 233A (October 2014), p. 1. A client is in

noncompliance with her FIP obligations if she fails or refuses, without good cause, to appear for a scheduled appointment or meeting related to assigned activities. BEM 233A, p. 2. In this case, Claimant failed to attend a February 12, 2015, appointment or to be employed 30 hours weekly. Therefore, she was not in compliance with the PATH program.

Before terminating a client from the work participation program and closing her FIP case, the Department must schedule a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A, p. 9. A noncompliance is excused if a client can establish good cause for the noncompliance. BEM 233A, p. 4. Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities based on factors that are beyond the control of the noncompliant person. BEM 233A, p. 4.

The Department concluded at the triage that Claimant failed to establish good cause for her noncompliance. However, both Claimant's Department worker and the PATH representative at the hearing concluded that Claimant had presented good cause for her failure to attend the February 12, 2015, meeting because she did not receive the appointment letter until February 17, 2015, as evidenced by a post-marked envelope she provided to them at the hearing. The Department worker and PATH representative also testified that Claimant's work hours were generally 32 hours weekly and that she consistently provided requested check stubs. Based on the Department's testimony, Claimant had good cause for her failure to attend the February 12, 2015 meeting. Further, there was no evidence presented that Claimant was in noncompliance with her required work hours.

Therefore, 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 Claimant's FIP case. Because Claimant was not in noncompliance with her FIP employment-related activities, the Department did not act in accordance with Department policy when it sanctioned her FAP case, removed her as a disqualified member of the FAP group, and decreased the group's FAP benefits. BEM 233B (July 2013), pp. 1-4.

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. Remove any FIP and FAP employment-related noncompliance sanction applied to Claimant's record on or about March 1, 2015, or April 1, 2015;
2. Reinstate Claimant's FIP case from the date of closure;
3. Recalculate Claimant's FAP case from the date Claimant was removed from the group and the benefits were reduced ongoing to include Claimant as a member of the group; and
4. Issue supplements to Claimant for FIP and/or FAP benefits she was eligible to receive but did not from the date the FIP case closed and the FAP benefits were reduced due to the improper finding of PATH noncompliance.



Alice C. Elkin
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human
Services

Date Signed: **4/17/2015**

Date Mailed: **4/17/2015**

ACE / 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.

