

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

**IN THE MATTER OF:**



MAHS Reg. No.: 15-021470  
Issue No.: 1008  
Agency Case No.: [REDACTED]  
Hearing Date: January 11, 2016  
County: WAYNE-DISTRICT 31

**ADMINISTRATIVE LAW JUDGE: Robert J. Chavez**

**HEARING DECISION**

Following Petitioner'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 January 11, 2016, from Detroit, Michigan. Petitioner appeared pro se. Participants on behalf of the Department of Human Services (Department) included [REDACTED], PATH Case Manager.

**ISSUE**

Did the Department properly close and sanction Petitioner's Family Independence Program (FIP) benefits?

**FINDINGS OF FACT**

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

1. Petitioner was a FIP recipient in Wayne County, and a mandatory PATH participant.
2. Petitioner was sent a DHS-4785, PATH Appointment Notice, on September 15, 2015; this scheduled a PATH appointment on September 28, 2015.
3. On September 25, 2015, three days before Petitioner's PATH appointment, Petitioner was sent a notice of case action, closing and sanctioning Petitioner's FIP case for failing to comply with work-related activities effective November 1, 2015.
4. On November 9, 2015, eight days after case closure, Petitioner was sent a DHS-2444, Notice of Noncompliance, stating that Petitioner had failed to attend PATH on September 28, 2015.

5. This notice scheduled a triage for November 18, 2015, seventeen days after case closure.
6. No triage was held prior to case closure, and Petitioner was never sent a notice of noncompliance prior to case closure.
7. Petitioner's FIP case was sanctioned for six months, and FIP benefits were closed.
8. On November 10, 2015, Petitioner requested a hearing.

### **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.

The Department admitted on the record that Petitioner's notice of noncompliance and triage were held far after the closure had already been implemented. All parties agreed that Petitioner's FIP benefits had been closed, and Petitioner's case had been sanctioned.

Per BEM 233A, no FIP case can be closed or sanctioned without first sending a DHS-2444, Notice of Noncompliance, and conducting a triage, regardless of whether the client attends the triage. No policy allows for a DHS-2444 to be sent after case closure; and no policy allows for a triage after case closure.

Regardless of whether or not Petitioner actually failed to attend work-related activities, and whether Petitioner actually had good cause, the Department failed to follow strict procedural requirements as prescribed by policy.

Because the Department failed to follow these procedural requirements, Petitioner's FIP case was closed and sanctioned in error, and must be restored forthwith.

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 Petitioner's FIP benefit case.

**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. Restore Petitioner's FIP benefits retroactive to the date of negative action.
2. Remove any sanctions or negative actions placed on Petitioner's FIP benefit case as a result of the above action.



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**Robert J. Chavez**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

Date Signed: **1/26/2016**

Date Mailed: **1/26/2016**

RJC/tm

**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:

