

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

**IN THE MATTER OF:**

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████████████████████

Reg. No.: 2013-44325  
Issue Nos.: 1005,1038  
Case No.: ██████████  
Hearing Date: May 28, 2013  
County: Wayne (35)

**ADMINISTRATIVE LAW JUDGE:** Zainab Baydoun

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Tuesday, May 28, 2013. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included ██████████, PATH Coordinator.

**ISSUE**

Did the Department properly close Claimant's Family Independence Program (FIP) case due to a failure to participate in employment and/or self-sufficiency-related activities without good cause?

**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 benefits.
2. On February 1, 2013 the Department sent Claimant a PATH Appointment Notice instructing her to attend PATH orientation on February 11, 2013. (Exhibit 1).

3. Claimant did not attend PATH orientation and as a result, on February 20, 2013, the Department sent Claimant a Notice of Noncompliance instructing her to attend a triage appointment on February 28, 2013 to discuss whether good cause existed for her noncompliance. (Exhibit 2)
4. On February 20, 2013, the Department sent Claimant a Notice of Case Action informing her that the Department intended to terminate her FIP benefits effective April 1, 2013 for failure to participate in employment and/or self-sufficiency-related activities without good cause. (Exhibit 3)
5. Claimant's FIP case closed effective April 1, 2013 for failure to participate in employment and/or self-sufficiency-related activities without good cause and a three month sanction was imposed.
6. On April 29, 2013, the Department received Claimant's request for a hearing disputing the closure of her FIP case.

### **CONCLUSIONS OF LAW**

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

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

As a condition of FIP eligibility, all Work Eligible Individuals ("WEI") must engage in employment and/or self-sufficiency-related activities. BEM 233A (January 2013), p. 1. The WEI can be considered noncompliant for several reasons including: failing or refusing to appear and participate with the work participation program or other employment service provider, failing or refusing to appear for a scheduled appointment or meeting related to assigned activities, and failing or refusing to participate in employment and/or self-sufficiency related activities. BEM 233A, pp 1, 2. Good cause is a valid reason for noncompliance with employment and/or self-sufficiency-related activities that are based on factors that are beyond the control of the noncompliant person. BEM 233A, pp. 3, 4.

Good cause includes any of the following: the client is employed for 40 hours/week; the client is physically or mentally unfit for the job; the client has a debilitating illness or injury or a spouse or child's illness or injury requires in-home care by the client; the Department, employment service provider, contractor, agency or employer failed to make a reasonable accommodation for the client's disability; no child care; no

transportation; the employment involves illegal activities; the client experiences discrimination; an unplanned event or factor likely preventing or interfering with employment; long commute; or eligibility for an extended FIP period. BEM 233A, p. 4. A WEI who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized. BEM 233A, p.1.

In processing a FIP closure, the Department is required to send the client a notice of noncompliance, which must include the date(s) of the noncompliance; the reason the client was determined to be noncompliant; and the penalty duration. BEM 233A, p.8-9. Pursuant to BAM 220, a Notice of Case Action must also be sent which provides the reason(s) for the action. BAM 220 (November 2012), p. 9. Work participation program participants will not be terminated from a work participation program without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A, p. 7. A triage must be conducted and good cause must be considered even if the client does not attend. BEM 233A, pp.7-8 Clients must comply with triage requirements and provide good cause verification within the negative action period. BEM 233A, p. 7.

Good cause is based on the best information available during the triage and prior to the negative action date. BEM 233A, p. 8. The first occurrence of non-compliance without good cause results in FIP closure for not less than three calendar months; the second occurrence results in closure for not less than six months; and a third occurrence results in a FIP lifetime sanction. BEM 233A, p. 6.

In this case, Claimant was an ongoing recipient of FIP benefits. As a condition of receiving FIP benefits, Claimant was required to participate in the Partnership. Accountability. Training. Hope. (PATH) program. At the hearing, the Department testified that because Claimant failed to attend her scheduled PATH appointment on February 11, 2013 at 9:00 am, on February 20, 2013, the Department sent Claimant a Notice of Noncompliance instructing her to attend a triage appointment on February 28, 2013 to discuss whether good cause existed for her noncompliance. (Exhibit 2). Also on February 20, 2013, the Department sent Claimant a Notice of Case Action informing her that the Department intended to close her FIP case effective April 1, 2013 and impose a three month FIP sanction for a first occurrence of noncooperation with employment related activities. BEM 233A, p.8-9;BAM 220 (November 2012), p. 9.

At the hearing, Claimant testified that she called the Department several times prior to her scheduled PATH orientation to inform the Department that she had a therapy appointment at the same time of the PATH orientation and that she would not be able to attend. The Department testified that it did not receive any communication from Claimant until after the triage appointment. Claimant testified that on February 26, 2013, she provided the Department with documentation that she had a doctor appointment on February 28, 2013, and would not be able to attend the triage meeting, although she testified that she did not receive the Notice of Noncompliance informing her of the triage date.(Exhibit 5). Claimant also submitted a letter dated February 12, 2013 that she states is from the Detroit Police Department and verifies her enrollment in a domestic violence program, as she was seeking deferral from participating in PATH based on her

participation in the domestic violence program. (Exhibit 4). BAM 230A (January 2013), pp.7-8.

A triage meeting was conducted on February 28, 2013, at which Claimant did not appear. At the hearing, Claimant presented verification that she attended her doctor appointment on February 28, 2013 which is why she did not attend the triage meeting; however, she did not provide this to the Department prior to the hearing date. (Exhibit A). The Department conducted the triage without Claimant and evidence of good cause was considered. The Department considered the February 12, 2013 letter provided by Claimant to determine whether Claimant could be deferred from the PATH program based on her participation in a domestic violence program. Because the letter was not signed and appeared fraudulent, the Department wanted to verify its contents and made a collateral contact with the Detroit Police Department. The Department was informed by a supervisor that the social worker whose business card was photocopied on the letter Claimant provided had not worked for the Detroit Police Department since December 2012, and that she could not have sent the letter. The Department was further informed that Claimant was not enrolled and attending the Detroit Police Department program. Claimant testified that she photocopied the social worker's business card on the letter but stated that the letter was sent to her from the Detroit Police Department.

Claimant testified that she was also enrolled and attending another domestic violence program in Southfield, Michigan. The Department attempted to verify Claimant's enrollment and was provided with the weekly activity logs. These logs show that Claimant attended one enrollment session on February 11, 2013 from 2:30 pm to 5:30 pm but that she did not return and had no further involvement. (Exhibit 7). Ultimately, the Department determined that Claimant did not have good cause for her failure to attend her scheduled PATH orientation and that she did not provide sufficient evidence to establish that she was participating in a domestic violence program.

The Department closed Claimant's FIP case effective April 1, 2013 for failure to participate in employment and/or self-sufficiency-related activities without good cause and a three month sanction was imposed. BEM 233A, p. 8. Because there was no good cause established for Claimant's failure to participate in the PATH program, the Department acted in accordance with Department policy when it closed Claimant's FIP case based on noncompliance with employment and/or self-sufficiency-related required activities without good cause and imposed a three month sanction. Accordingly, the Department's actions are AFFIRMED.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted in accordance with Department policy when it terminated Claimant's FIP benefits effective

April 1, 2013 due to noncompliance without good cause and imposed a three month sanction. Accordingly, the Department's actions are AFFIRMED.



**Zainab Baydoun**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: June 5, 2013

Date Mailed: June 5, 2013

**NOTICE:** Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
  - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at  
Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

ZB/cl

cc: [REDACTED]  
[REDACTED]  
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