

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

**IN THE MATTER OF:**



Reg. No.: 201369031  
Issue No.:   
Case No.:   
Hearing Date: November 4, 2013  
County: Monroe

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**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 held on November 4, 2013, from Lansing, Michigan. Participants on behalf of Claimant included . Participants on behalf of Department of Human Services (Department) included .

**ISSUE**

Whether the Department of Human Services (Department) properly sanctioned the Claimant's Family Independence Program (FIP) case for noncompliance with employment and/or self-sufficiency related activities?

**FINDINGS OF FACT**

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

1. The Claimant was an ongoing Family Independence Program (FIP) recipient until August 1, 2013.
2. The Department referred the Claimant to the Partnership Accountability Training Hope (PATH) program as a condition of receiving FIP benefits.
3. The Claimant was noncompliant with the PATH program when she failed to participate in programming scheduled for June 21, 2013.
4. The Department conducted a triage meeting on July 5, 2013.

5. On June 27, 2013, the Department notified the Claimant that it would sanction her FIP benefits as of August 1, 2013.
6. On September 6, 2013, the Claimant applied for Family Independence Program (FIP) benefits, and her application was denied because of her FIP sanction.
7. The Department received the Claimant's request for a hearing on September 10, 2013, protesting the sanctioning of her FIP benefits.

### **CONCLUSIONS OF LAW**

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.

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Federal and state laws require each work eligible individual (WEI) in the FIP group to participate in Partnership. Accountability. Training. Hope. (PATH) or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. PATH is administered by the Workforce Development Agency, State of Michigan through the Michigan one-stop service centers. PATH serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. PATH case managers use the One-Stop Management Information System (OSMIS) to record the clients' assigned activities and participation. Department of Human Services Bridges Eligibility Manual (BEM) 230A (October 1, 2013), p 1.

A WEI who refuses, without good cause, to participate in assigned employment and/or other self-sufficiency related activities is subject to penalties. BEM 230A, p 1.

Noncompliance of means failing or refusing to participate in a required activity without good cause. Department of Human Services Bridges Eligibility Manual (BEM) 233A (January 1, 2013), pp 2-3.

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. A claim of good cause must be verified and documented for member adds and recipients. BEM 233A, pp 3-4.

Good cause should be determined based on the best information available during the triage and prior to the negative action date. Good cause may be verified by information already on file with DHS or MWA. Good cause must be considered even if the client does not attend, with particular attention to possible disabilities (including disabilities that have not been diagnosed or identified by the client) and unmet needs for accommodation. BEM 233A.

Good cause includes the following:

**Illness or Injury:** The client has a debilitating illness or injury, or a spouse or child's illness or injury requires in-home care by the client. BEM 233A.

Noncompliance by a WEI while the application is pending results in group ineligibility. A WEI applicant who refused employment without good cause, within 30 days prior to the date of application or while the application is pending, must have benefits delayed; see Benefit Delay for Refusing Employment in this item. BEM 233A.

The penalty for noncompliance without good cause is FIP EDG closure. Effective October 1, 2011, the following minimum penalties apply:

- For the individual's first occurrence of noncompliance, Bridges closes the FIP EDG for not less than three calendar months.
- For the individual's second occurrence of noncompliance, Bridges closes the FIP EDG for not less than six calendar months.
- For the individual's third occurrence of noncompliance, Bridges closes the FIP EDG for a lifetime sanction. BEM 233A.

In this case, the Claimant was an ongoing Family Independence Program (FIP) recipient until August 1, 2013, and the Department had referred her to the PATH program as a condition of receiving FIP benefits. The Claimant was noncompliant with the PATH program when she failed to participate in programming scheduled for June 21, 2013. The Department conducted a triage meeting on July 5, 2013, where the Claimant was given the opportunity to establish good cause for noncompliance with the PATH program. The Claimant attended the triage meeting, but the Department did not find good cause. On June 27, 2013, the Department notified the Claimant that it would sanction her FIP benefits as of August 1, 2013.

On September 6, 2013, the Claimant applied for Family Independence Program (FIP) benefits, and her application was denied because of her FIP sanction. The Claimant submitted her request for a hearing on September 10, 2013. The Department properly denied the September 6, 2013, application for FIP benefits because of the sanction.

However, the Claimant's request for a hearing is timely for the purposes of protesting whether she should have been sanctioned as of August 1, 2013, because it was received by the Department within 90 days of the original notice of the sanction.

The Claimant argued that she had good cause for her failure to participate in programming on June 21, 2013. The Claimant testified that her medical condition was a barrier to her participation in the PATH program that was beyond her control. The Claimant presented evidence that she was examined by her treating physician on October 28, 2013, and that she is unable to work from June 1, 2013, until October 28, 2013. This evidence was not available at the July 5, 2013, triage meeting.

The Claimant failed to establish that she presented sufficient evidence to establish good cause at the July 5, 2013, triage meeting, and the Department had properly applied its policies to the Claimant's circumstances based on the information available at that time.

Furthermore, this Administrative Law Judge finds the Claimant's medical documentation insufficient to establish that she was unable to participate in the PATH program on July 21, 2013. The Claimant did participate in programming on June 18, 2013. The note from her treating physician indicates that based on an October 28, 2013, examination, that the Claimant is unable to work from June 1, 2013, until October 28, 2013. If this evidence had been available during the July 5, 2013, triage meeting, it is likely that the Department would have determined that it would have granted the Claimant certain reasonable accommodations that would have facilitated her participation in the PATH program despite her medical condition.

However, it is the Claimant's burden to establish good cause barriers to her participation in the PATH program that were beyond her control. Based on the evidence and testimony presented during the hearing, this Administrative Law Judge finds that the Claimant failed to establish good cause. It is the medical opinion of the Claimant's physician that she is unable to work, but without a more in depth explanation, it is not clear that this is evidence that she was unable to participate in the PATH program.

If a participant is active FIP and FAP at the time of FIP noncompliance, determination of FAP good cause is based on the FIP good cause reasons outlined in BEM 233A. For the FAP determination, if the client does not meet one of the FIP good cause reasons, determine the FAP disqualification based on FIP deferral criteria only as outlined in BEM 230A, or the FAP deferral reason of care of a child under 6 or education. Department of Human Services Bridges Eligibility Manual (BEM) 233B (July 1, 2013), p 2.

Based on the evidence and testimony available during the hearing, the Department's determination that the Claimant did not have good cause for her noncompliance with the PATH program is reasonable. The Department has established that it acted properly when it sanctioned the Claimant's FIP benefits for noncompliance with self-sufficiency related activities.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy when it sanctioned the Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) benefits for noncompliance with the Partnership. Accountability Training. Hope. (PATH) program.

The Department's FIP sanction is **AFFIRMED**. It is SO ORDERED.

/s/ \_\_\_\_\_  
Kevin Scully  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed:11/04/2013

Date Mailed:11/05/2013

**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.

201369031/KS

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

KS/sw

cc:

