

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 2013-42135  
Issue No: 1038  
Case No: [REDACTED]  
Hearing Date: May 21, 2013  
Macomb-12 County DHS

**ADMINISTRATIVE LAW JUDGE:** COREY A. ARENDT

**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 May 21, 2013 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED].

**ISSUE**

Did the Department properly terminate and sanction the Claimant's Family Independence Program (FIP) benefits for noncompliance with PATH requirements?

**FINDINGS OF FACT**

I find as material fact, based upon the competent, material and substantial evidence on the whole record:

1. As of April, 2013, the Claimant was an active recipient of FIP benefits and participating in a community service program that required logs to be turned in bi-weekly.
2. On April 1, 2013, the Claimant was required to turn in her community service logs for the prior two weeks.
3. On April 1, 2013, the Claimant failed to turn in her community service logs, call PATH or show up at PATH so PATH forwarded the case to the Department for a triage.
4. On April 3, 2013, the Department sent the Claimant a notice of case action and notice of noncompliance. The notice of noncompliance indicated a triage was to take place on April 11, 2013 at 9:00 AM. The notice of case action indicated the Claimant's FIP case was being closed and sanctioned effective May 1, 2013 for failing to participate in employment and/or self-sufficiency-related activities.

5. On April 11, 2013, a triage took place in the absence of the Claimant. The Department determined the Claimant did not have good cause for failing to turn in her community service logs on April 1, 2013.
6. On April 23, 2013, the Claimant requested a hearing to dispute the FIP closure and sanction.
7. Between April 1, 2013 and April 23, 2013 the Claimant at no time called the Department to notify them of any problems related to the receipt of her mail or transportation.
8. The Department has no record of the Claimant ever reporting a problem with transportation.
9. At the Claimant's PATH orientation, the Department went over with the Claimant how to seek transportation assistance.

### **CONCLUSIONS OF LAW**

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

The 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 1999 AC, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

DHS requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. Our focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate, without good cause.

The goal of the FIP penalty policy is to obtain client compliance with appropriate work and/or self-sufficiency-related assignments and to ensure that barriers to such compliance have been identified and removed. The goal is to bring the client into compliance.

A Work Eligible Individual (WEI), see BEM 228, who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized.

Testimony and other evidence must be weighed and considered according to its reasonableness.<sup>1</sup> Moreover, the weight and credibility of this evidence is generally for

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<sup>1</sup> *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007).

the fact-finder to determine.<sup>2</sup> In evaluating the credibility and weight to be given to the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness's testimony, and the interest, if any, the witness may have in the outcome of the matter.<sup>3</sup>

I have carefully considered and weighed the testimony and other evidence in the record and find the Department's witness to be more credible than the Claimant as the Department witnesses had a clearer grasp of the dates, times and events in question and because the Claimant's testimony was self-serving in the absence of any supporting documentation to show either the lack of transportation or the unavailability of a telephone to contact the Department with. Additionally, the Claimant alleges to live in the middle of nowhere and to have had no access to a public phone of any kind, yet the Claimant actually lives in a small residential area with many neighbors and access to local high schools and other small business. Therefore, I find the Claimant failed to participate in employment and/or self-sufficiency related activities by failing to turn in her required logs.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, I find the Department properly closed and sanctioned the Claimant's FIP case.

### DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law, decide that:

1. The Department properly closed and sanctioned the Claimant's FIP benefits for noncompliance with WF/JET requirements.

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



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Corey A. Arendt  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: May 22, 2013

Date Mailed: May 22, 2013

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<sup>2</sup> *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

<sup>3</sup> *People v Wade*, 303 Mich 303 (1942), *cert den*, 318 US 783 (1943).

**NOTICE:** Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

CAA/las

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