

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2014-20731  
Issue No(s): 1008  
Case No.: [REDACTED]  
Hearing Date: January 29, 2014  
County: Macomb County DHS #12

**ADMINISTRATIVE LAW JUDGE:** Colleen Lack

**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 January 29, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] the Claimant, and [REDACTED] Fiancé. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Family Independence Specialist Case Manager.

**ISSUE**

Did the Department properly close and sanction 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 on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant was an ongoing FIP recipient.
2. As a condition of receiving FIP benefits, the Department referred the Claimant to the Partnership Accountability Training Home (PATH) program.
3. On December 2, 2013, a PATH Appointment Notice was sent to the Claimant for an appointment date of December 9, 2013 and noting that PATH must be attended within 15 days of this notice. (Exhibit A, page 7)

4. On December 21, 2013, a Notice of Noncompliance was issued to the Claimant based on no initial contact for PATH. (Exhibit A, pages 8-9)
5. On December 21, 2013, a Notice of Case Action was issued to the Claimant stating the FIP case would close for at least 6 months effective February 1, 2014 due to an alleged second violation of the PATH program requirements.
6. On January 2, 2014, the Claimant filed a request for hearing protesting the Department's action.

### **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, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MC L 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

Additionally, FIP is temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency related activities so they can become self-supporting. Federal and state laws require each work eligible individual 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. BEM 230 A

A Work Eligible Individual (WEI) and non-WEI<sup>1</sup>, who fails to participate in employment or self-sufficiency-related activities without good cause, must be penalized. Depending on the case situation, penalties include the following: delay in eligibility at application; ineligibility (denial or termination of FIP with no minimum penalty period); case closure for a minimum of three months for the first episode of noncompliance, six months for the second episode of noncompliance and lifetime closure for the third episode of noncompliance. 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. BEM 233A.

Noncompliance of applicants, recipients, or member adds includes, without good cause: failing or refusing to appear and participate with PATH or other employment service

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<sup>1</sup> Except ineligible grantees, clients deferred for lack of child care, and disqualified aliens. See BEM 228.

provider; participate in employment and/or self-sufficiency-related activities; and participate in required activity. BEM 233A.

PATH participants will not be terminated from PATH without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. Good cause is 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 PATH. 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 233 A.

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. Good cause includes illness or injury. This applies when 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 233 A.

It was uncontested that the Claimant's fiancé requires in-home care provided by the Claimant due to her impairments. The Department asserts that the good cause reason of illness or injury cannot be considered in the Claimant's case because the Claimant is not married, and as written this basis for good cause only applies when the care is needed for a spouse or child's illness. Accordingly, the Department did not find good cause at the triage.

The Claimant explained that he and his fiancé have lived together for 11 years and have a 10 year old daughter. The Claimant asserted that their relationship is like a common-law marriage.

However, Michigan law does not allow for common law marriages. MCL 551.2. While this ALJ does not doubt the need for the Claimant to provide in home care for his fiancé, the BEM 233A policy is specific regarding the persons that can be involved in the good cause exception based on illness or injury. The Claimant is not providing in home care for a spouse or child. Accordingly, good cause cannot be found in this case for the Claimant failing to participate with PATH. The Family Independence Specialist Case Manager credibly testified that there was a prior non-compliance in March 2011. The Department's determination to close the Claimant's FIP case for a second non-compliance must be upheld.

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 acted in accordance with Department policy when it closed and sanctioned the Claimant's FIP case for noncompliance with employment and/or self-sufficiency related activities.

**DECISION AND ORDER**

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



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Colleen Lack  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: February 7, 2014

Date Mailed: February 7, 2014

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted 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 Department, AHR or the claimant 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 the hearing decision is mailed.

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 48909-07322

CL/hj

cc:

