

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

**IN THE MATTER OF:**

██████████  
██████████  
██████████

Reg. No.: 2014-26629  
Issue No.: 1008  
Case No.: ██████████  
Hearing Date: March 6, 2014  
County: Wayne County DHS 98

**ADMINISTRATIVE LAW JUDGE:** Lynn M. Ferris

**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 March 6, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Family Independence Specialist.

**ISSUE**

Did the Department properly close Claimant's Family Independence Program (FIP) case?

**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 missed several PATH appointments in December and was late to her PATH appointment on December 23, 2013.
2. On December 23, 2013, Claimant signed a Re-engagement Agreement.
3. Claimant failed to submit job search documentation for the weeks of January 5, 2014 and January 12, 2014.
4. On January 15, 2014, the Department sent Claimant a Notice of Non Compliance and - Triage Meeting date notice.

5. On January 29, 2014, a triage was held and Claimant was present.
6. During the triage, Claimant provided medical documentation indicating that each of her minor children had been diagnosed with Asthma.
7. On January 17, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FIP case would close effective February 1, 2014 for failure to participate in employment-related activities and that a six-month sanction would be imposed.
8. On January 30, 2014, Claimant filed a request for hearing disputing the Department's actions.

### **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 MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

DHS requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. The 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. BEM 223A (7/2013) p. 1.

A Work Eligible Individual (WEI) and non-WEIs who fail, without good cause, to participate in employment or self-sufficiency-related activities, 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. *Id.*

In this case, Claimant failed to attend three required PATH appointments in December 2013 and arrived late on December 23, 2013. Claimant signed a PATH Program Re-engagement Agreement on December 23, 2013 in which she agreed to complete

activities as assigned, turn in documentation, contact ROSS IES if supportive services were needed, and comply with the requirement of the program. (See Exhibit 2, p. 1).

A triage was held on January 29, 2014. Claimant appeared for the triage and provided medical documentation stating that each of her four children has asthmatic episodes without notice.

Department policy allows for a finding of good cause if there are factors that are beyond the control of the noncompliant person. Good cause includes being employed 40 hours per week, being mentally or physically unfit, having a debilitating illness or injury, or when a spouse or child's illness or injury requires in-home care by the client. BEM 233A (7/2013) pp. 4-5.

Claimant asserts that she had good cause for failing to attend the PATH appointments and for failing to provide proof of employment searches because she has four asthmatic children who were ill at the time of her appointments. Claimant's medical documentation could support a finding of good cause for her failing to attend the PATH appointments as it states that the children require home care 1-3 days. It should be noted that the medical documentation does not state whether the home care is needed 1-3 days per week, per month or per year. It appears from a review of the Hearing Summary, that the Department agrees that the home care is needed 1-3 days per week. (See Exhibit 1, p. 1). There is no way to confirm Claimant's assertions that her children were ill at the time of the PATH appointments, as the stated illnesses did not require professional medical attention.

Notwithstanding a possible good cause finding for failing to attend appointments, Claimant offered no explanation as to why she was unable to engage in employment searches during the entire week of January 5, 2014 and January 12, 2014. As previously stated, the medical documentation offered by Claimant indicated that her children required home care 1-3 days. Even if the home care was required 1-3 days per week, this would not explain why Claimant was unable to engage in employment searches during the remaining days of the week. Claimant testified that she did not engage in employment searches during the week of January 5, 2014. Claimant offered no medical documentation that her children were ill during the entire week of January 5, 2014 and/or January 12, 2014.


It does not appear that Claimant complied with any requirement of the program after she signed the PATH Program Re-engagement Agreement on December 23, 2013. It also was not established by the record that the Claimant requested from the Path program any supportive services. This is Claimant's second violation and therefore Claimant was aware of the consequences of her failure to comply with program requirements.

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 Claimant's FIP case and imposed a six-month sanction.

**DECISION AND ORDER**

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

  
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**Lynn M. Ferris**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: March 13, 2014

Date Mailed: March 13, 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

LMF/cl

cc:

[Redacted list of names]