

**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.: 14-002094
Issue No.: 1008, 3001
Case No.: ██████████
Hearing Date: June 9, 2014
County: MACOMB-DISTRICT 36

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 June 9, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant; ██████████ ██████████ Family Friend/Interpreter; and ██████████, Observer. Participants on behalf of the Department of Human Services (Department) included ██████████, Hearing Facilitator, and ██████████ ██████████ Case Manager/PATH Worker.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) benefits for failure to participate in employment-related activities?

Did the Department properly reduce the Food Assistance Program (FAP) benefits in which Claimant was a group member for his failure to participate in employment-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. Claimant was an ongoing recipient of FIP benefits.
2. On April 1, 2014, the Department received notice from ██████████ ██████████ that Claimant had refused an offer of employment because he needed to care for his sick father.

3. On April 14, 2014, the Department sent Claimant a Notice of Non-Compliance, scheduling a [triage] meeting for April 22, 2014 for which Claimant did not appear.
4. Also, on April 14, 2014, the Department sent Claimant a Notice of Case Action notifying him that his FIP case would close effective May 1, 2014 for failing, without good cause, to participate in employment-related activities.
5. Claimant is a group member on his parents' FAP case.
6. The FAP benefits for Claimant's group were reduced effective May 1, 2014 as a result of the closure of his FIP benefits.
7. On May 5, 2014, Claimant filed a Request for Hearing disputing 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, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, 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 a non-WEI who fails, 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.*

Additionally, Department policy holds that a triage meeting must be held to determine good cause prior to any negative action. Further, good cause must be considered even if the client does not attend the triage meeting. BEM 233C, p. 4. Claimant testified that he did not appear for the triage meeting because he received the notice too late. Claimant indicated that the triage notice was mailed to his old address and that he had updated his address with the Department as early as December 2013. The Department specifically testified that the triage was not held because the Claimant did not appear. It is found that the Department failed to conduct the triage meeting in accordance with its policy and it is also found that Claimant had good cause for failing to attend the triage meeting.

The Department testified that it closed Claimant's FIP case for refusing an offer of employment. Claimant acknowledged that he was offered employment from █████ in March 2014. Claimant testified that he refused work from █████ at that time because he was required to care for his father. The Department found that Claimant had no good cause to refuse the employment because Claimant's mother was present in the home and it believed she was responsible for his father's care. The policy relied on in support of this position holds that if the client has a debilitating illness or injury, or an immediate family member's illness or injury requires in-home care by the client. BEM 223C (July 2013), p. 5. The policy only requires that the care be given to an immediate family member and does not require that person to be a spouse. Further, Claimant testified that his mother was physically unable to care for his father and stated that he provided his mother's medical documents in support of this claim.

Claimant provided the Department a doctor's note stating that he was the person designated to care for his father from March 17, 2011 through March 31, 2011. The Department acknowledged receipt of the doctor's note. The Department received the notice of refusal of employment from █████ on April 1, 2014. Claimant testified that he met with █████ on April 1, 2014 and informed the staff that he needed additional time to care for his father. Claimant stated that he was given forms from █████ to be completed by his father's doctor. Claimant further indicated that he returned the completed forms to █████ and was told that the documents would be sent to his assigned case worker. Claimant's family friend testified that she personally observed Claimant's assigned worker with the completed paperwork. Claimant testified at the hearing that he is now able to work and is actively seeking work. It is found that Claimant has established good cause for refusing work at the time it was offered by █████ in March 2014.

The Department indicated that when it found that Claimant refused work without good cause, it reduced the amount of FAP benefits his parents received as he was a group member. The Department indicated at the hearing that if the Claimant was found to have refused work with good cause, it would be required to reinstate his FIP benefits, which would automatically cause the FAP allowance to be restored to the original amount. Because it has been found that Claimant established good cause for refusing

work, the FAP benefits for which he is a group member should be restored to its original amount effective May 1, 2014.

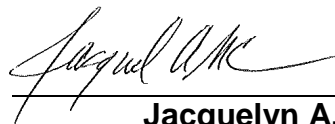
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with policy when it closed Claimant's FIP case and reduced the FAP benefits for which Claimant was a group member, both effective May 1, 2014.

DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Remove the sanction from Claimant's record entered on or about May 1, 2014.
2. Reinstate Claimant's FIP case effective May 1, 2014;
3. Restore the FAP benefits for which Claimant is a group member to its original amount effective May 1, 2014; and
4. Issue supplements to Claimant for any FIP and FAP benefits he was eligible to receive but did not from May 1, 2014 ongoing.



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **6/18/2014**

Date Mailed: **6/18/2014**

JAM/cl

