

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

IN THE MATTER OF:

██████████
████████████████████
██████████

Reg. No.: 14-003713
Issue No.: 1008
Case No.: ██████████
Hearing Date: July 3, 2014
County: WAYNE (31)

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 July 3, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Hearing Facilitator, and ██████████ Case Manager.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case for failure to participate in 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. Claimant is an ongoing recipient of FIP benefits.
2. Claimant was required to attend the PATH program at least twice per week.
3. On February 12, 2014, the Department sent Claimant a Notice of Noncompliance instructing her to appear for a meeting on February 19, 2014 to explain her noncompliance.
4. On February 19, 2014, Claimant signed a Reengagement Agreement which required her to participate in the PATH program by attending in-person at least twice per week.

5. Claimant attended three PATH appointments during the three months after she signed the Reengagement Agreement.
6. On May 19, 2014, the Department sent Claimant a Notice of Noncompliance instructing her to appear for another meeting on May 28, 2014 to explain her noncompliance.
7. On May 19, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FIP case would close effective June 1, 2014 because she failed to participate in employment and/or self-sufficiency related activities.
8. Claimant appeared for the May 28, 2014 meeting and explained that she had missed her required appointments due to lack of adequate child care and because she attended medical appointments scheduled at the same time.
9. Claimant failed to provide any documentation that she was scheduled and/or attended medical appointments on the dates she was required to attend her PATH appointments.
10. The Department found that Claimant failed to establish good cause for her failure to participate in employment and/or self-sufficiency related activities
11. On May 28, 2014, Claimant requested a 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, 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.

The Department 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 233A (July 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.*

In this case, Claimant was required to attend her PATH appointments at least twice per week. By February 2014, Claimant failed to attend as required. On February 12, 2014, the Department sent Claimant a Notice of Noncompliance scheduling a meeting on February 19, 2014. Claimant attended the February 19, 2014 meeting and signed a Reengagement Agreement stating that she would attend her PATH appointment as required. The Department testified that over the next three months, Claimant appeared for only three appointments. Although Claimant testified that she attended more than three appointments during the three month period, she agreed that her signature only appeared on three occasions on the sign-in sheet.

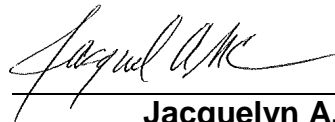
A client can establish good cause for noncompliance. Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the noncompliant person. BEM 233A (July 2013), p. 5. Claimant stated that she failed to attend because she did not have adequate child care. Claimant testified that she began receiving child care assistance from the Department in April 2014. Claimant indicated that all of the appointments she missed after she began receiving child care were the result of doctor's appointments. Because Claimant had only attended three appointments over a three month period, the Department sent another Notice of Noncompliance scheduling a meeting for May 28, 2014. On May 19, 2014, the Department also sent Claimant a Notice of Case Action notifying her that her FIP case would close effective June 1, 2014 as a result of her noncompliance.

Claimant appeared for the May 28, 2014 meeting. Claimant acknowledged that she did not bring any documentation to that meeting showing she missed her PATH appointments due to medical appointments. Claimant further stated that she did not contact her worker in advance to advise that she would miss the PATH appointments due to a doctor's appointment. As a result, Claimant was found not to have established good cause for failing to attend her required PATH appointments. Claimant acknowledged that her worker's supervisor contacted her after the May 28, 2014 meeting to allow her an opportunity to bring medical documentation showing that she attended doctor's appointments on the days in which she missed her PATH appointments. Claimant failed to submit any documentation.

Because Claimant failed to contact her worker in advance of missing her required PATH appointments and because she failed to provide any evidence that the missed appointments were the result of medical appointments, 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 policy when it closed Claimants FIP benefits effective June 1, 2014 for failure to participate in employment related activities.

DECISION AND ORDER

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



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

Date Signed: **7/11/2014**

Date Mailed: **7/11/2014**

JAM/cl

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

CC: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]