

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

IN THE MATTER OF:



Reg. No.: 14-005824
Issue No.: 1008, 6001
Case No.: [REDACTED]
Hearing Date: August 6, 2014
County: Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Gary F Heisler

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 August 6, 2014, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUES

Did the Department properly sanction Claimant's Family Independence Program (FIP) beginning July 1, 2014 for noncompliance with the Partnership, Accountability, Training, Hope (PATH) program?

Did the Department properly close Claimant's Child Development and Care Program beginning July 13, 2014?

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 Family Independence Program (FIP) and Child Development and Care Program benefits. Part of Claimant's benefit group participation requirement was being met by Claimant's employment.
- (2) On June 5, 2014, Claimant reported to PATH that she was taken of the work schedule for her employer.
- (3) On June 16, 2014, the Department received a Verification of Employment (DHS-38) from Claimant's employer. The form was signed on June 16, 2014 and indicated Claimant was previously employed and the

employment had ended May 12, 2014. The form did not indicate if Claimant had been laid off, quit, fired, or other.

- (4) On June 18, 2014, Claimant was sent a Notice of Non-Compliance (DHS-2444) which scheduled a meeting for June 24, 2014. Claimant was also sent a Notice of Case Action (DHS-1605) stating that the Family Independence Program (FIP) and Food Assistance Program (FAP) would be sanctioned.
- (5) On June 24, 2014, Claimant attended the scheduled meeting. The Department determined there was no good cause for Claimant's failure to participate in employment and/or self-sufficiency related activities.
- (6) On June 24, 2014, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

Family Independence Program

The Family Independence Program (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 1997 AACRS R 400.3101-3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Department's policies are available on the internet through the Department's website. Bridges Eligibility Manual (BEM) 233A Failure To Meet Employment and/or Self-Sufficiency Related Requirements: FIP, provides guidance for administration of the Partnership, Accountability, Training, Hope (PATH) program. The policy identifies participation requirements, actions that are noncompliant, the consequences of noncompliance, and the definition of good cause for noncompliance. The section Refusing Suitable Employment at Pages 3 & 4 is specifically relevant to this case. It defines firing for misconduct or absenteeism (not for incompetence) as noncompliance.

The Department alleged that Claimant was noncompliant because she was fired for absenteeism. Claimant does not dispute that she lost her employment for attendance problems. However, Claimant asserts her absences were due to her seizures.

Bridges Eligibility Manual (BEM) 233A states that 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. A claim of good cause must be verified and documented for member adds and recipients.

The medical documentation Claimant submitted includes a June 10, 2014 Office Visit report which states that Claimant's last seizure was on April 20, 2014. All of the other medical documentation is dated on or before April 19, 2013. Evidence presented at the

hearing is not sufficient to establish that had good cause for being discharged from employment.

Child Development and Care Program

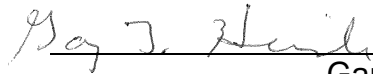
The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

In this case the Child Development and Care Program was closed because Claimant was no longer employed and was no longer participating at PATH. Because the Family Independence Program sanction has been upheld, there is no longer a need reason for Child Development and Care Program benefits.

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 sanctioned Claimant's Family Independence Program (FIP) beginning July 1, 2014 for noncompliance with the Partnership, Accountability, Training, Hope (PATH) program and closed Claimant's Child Development and Care Program beginning July 13, 2014.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Gary F. Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **8/13/2014**

Date Mailed: **8/13/2014**

GFH/hj

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:

