

5. On March 17, 2014, Claimant failed to attend the PATH appointment.
6. On March 18, 2014, Claimant contacted the Department and left a voicemail indicating she had attended the March 17, 2014, PATH appointment and she was told she needed to start attending Monday-Friday 9am to 3pm and she had no baby sitter.
7. On March 21, 2014, a notice of case action was issued regarding the potential case closure based upon failure to participate with PATH.
8. On March 24, 2014, the Department issued a Quick Note indicating that, if Claimant was in need of daycare assistance, she needed to complete an application for assistance.
9. On March 28, 2014, a TRIAGE was held during which Claimant was not given good cause but granted a third appointment.
10. On April 8, 2014, Claimant was sent a PATH appointment notice for April 14, 2014.
11. On April 14, 2014, Claimant failed to attend her PATH appointment.
12. On April 23, 2014, Claimant attempted to attend PATH but was denied because her last day to comply was April 22, 2014.
13. On June 19, 2014, Claimant filed a hearing request.

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.

Federal and state laws require each work eligible individual (WEI) in the FIP group to participate in PATH or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (January 2013), p. 1. These clients must participate in employment and/or self-sufficiency-related activities to increase their employability and obtain employment. BEM 230A, p. 1. PATH participants will not be terminated from PATH without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A

(January 2013), p. 7. Good cause is determined during triage. BEM 233A, p. 7. 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 and must be verified. BEM 233A, p. 3.

Clients can either attend a meeting or participate in a conference call if attendance at the triage meeting is not possible. BEM 233A, p. 7. Clients must comply with triage requirements and provide good cause verification within the negative action period. BEM 233A, p. 7. The Department determines good cause based on the best information available during the triage and prior to the negative action date. BEM 233A, p. 7. Good cause may be verified by information already on file with DHS or PATH. BEM 233A, p. 7. Good cause must be considered even if the client does not attend. BEM 233A, p. 7.

At hearing, the Department testified that Claimant was sent a PATH appointment notice for March 10, 2014. Claimant failed to attend the PATH appointment. A new PATH appointment notice was sent to Claimant for March 17, 2014. Claimant failed to attend the PATH appointment. A TRIAGE was held. The Department testified that Claimant had indicated she was in the process of seeking new housing because her current living situation was “uncomfortable” and she had daycare issues. The first indication of a potential daycare issue was noted by the Department when Claimant called on March 18, 2014. The Department had issued a quick note to Claimant on March 24, 2014, indicating that, if she had a need for daycare, she needed to apply. Included in this quick note was the online application site for program benefits. There was no prior mention of a daycare issue before the March 18, 2014, voicemail. The Department determined, based upon the information provided, Claimant had no good cause for missing the appointment. However, the Department established a third appointment for Claimant to attend. Claimant agreed to participate. The Department testified that Claimant was given an application for child daycare assistance. The Department informed Claimant that she could apply for this benefit. A PATH appointment for April 14, 2014, was established. Claimant failed to attend this third PATH appointment. Claimant submitted an application for daycare assistance on April 14, 2014, via online.

At hearing, Claimant was asked about what she told the Department during the TRIAGE meeting. Claimant originally stated the same comment that her living situation was “uncomfortable” and she had daycare issues. Claimant acknowledged under continued questioning that she told the Department she was involved in a domestic violence situation. The Department testified that Claimant had only indicated she had daycare issues and personal issues that made her living situation “uncomfortable.” She did not tell the Department about a domestic violence situation. The Department testified that Claimant had mentioned she was moving out of her current housing.

On April 3, 2014, the Department called [REDACTED] to confirm Claimant was moving. The [REDACTED] witness testified that Claimant told the Department she was moving in with their agency based upon homelessness. Claimant moved into

██████████ on April 4, 2014. On April 14, 2014, Claimant's therapist spoke to the PATH case manager. At that point, the therapist testified she had informed the Department about the domestic violence issue. Claimant's therapist testified that Claimant was told she could attend the orientation the week of April 21, 2014. Claimant did appear on April 23, 2014, for the orientation. However, the last day she could have attended was April 22, 2014. The Department testified that Claimant's therapist was told the last date Claimant could attend was April 21, 2014, and not the week of April 21, 2014, as the therapist had testified. The BRIDGES case comments submitted by the Department (Exhibit 1, p. 14) indicated Claimant's therapist had actually indicated that Claimant had missed her appointment primarily due to child daycare issues and secondly because she had no knowledge of the appointment until after the appointment time had already passed. There was no mention of a domestic violence situation or illness.

On BEM 233 (July 2013), p. 5, allows for good cause to be established for daycare issues. This policy specifically requires the client to have requested child care services from DHS, PATH, or other employment services provider prior to the case being closed for non-compliance. As indicated, Claimant alleged daycare issues at the TRIAGE. No evidence was provided to demonstrate that prior to case closure Claimant had requested assistance with daycare via an application for benefits. Based upon the preceding, Claimant would not have good cause for missing her PATH appointments due to child daycare issues. Claimant did not complete the request for daycare assistance prior to closure.

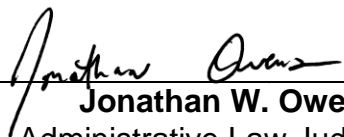
The other issue presented was whether or not Claimant should be granted good cause for being homeless. The facts presented at TRIAGE did not indicate Claimant was homeless. Claimant was seeking new housing but, at the time of the TRIAGE, she was not homeless nor did she allege being homeless at the time the prior two PATH appointments were scheduled.

Claimant further alleged at hearing she was involved in a domestic violence situation. This Administrative Law Judge finds the Department more credible regarding what was stated during the TRIAGE than what Claimant alleged at hearing. Claimant did not submit any verification of the alleged domestic violence until July 14, 2014. The testimony from the therapist that she informed the Department on April 14, 2014, came after Claimant again had missed the opportunity to attend the PATH appointment earlier that day. Claimant did testify that, on April 14, 2014, her child was ill and she was not able to attend and this was confirmed by her witness. This Administrative Law Judge finds the testimony of the Department witness more credible regarding Claimant's therapist being told that Claimant still had until April 21, 2014, to attend orientation and not the week of April 21, 2014. Claimant had an opportunity to attend the appointment on April 21, 2014, and still did not attend. Further, Claimant, as noted above, never provided any evidence of the alleged domestic violence until July 14, 2014. This Administrative Law Judge finds that Claimant never alleged domestic violence prior to the case closure. Therefore, good cause could not be granted.

Based upon the above, this Administrative Law Judge finds that Claimant was given multiple appointment opportunities to attend PATH and to continue benefits. Claimant has not demonstrated that she had an appropriate good cause basis for missing the appointments scheduled for her to attend. Therefore, the Department appropriately terminated Claimant's benefits for failure to comply with PATH requirements.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.


Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **9/15/2014**

Date Mailed: **9/15/2014**

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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:

