

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

IN THE MATTER OF:



Reg. No.: 14-011667
Issue No.: 1008, 1011, 3000
Case No.: [REDACTED]
Hearing Date: October 14, 2014
County: INGHAM

ADMINISTRATIVE LAW JUDGE: Gary 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 October 14, 2014, from Lansing, Michigan. Participants on behalf of Claimant included herself and her significant other, Mr. [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator [REDACTED], FIS [REDACTED], DHS PATH worker [REDACTED], and Assistant Prosecuting Attorney [REDACTED]. During this hearing Claimant declared that there was no Food Assistance Program issue she wanted a hearing about. The Food Assistance Program portion of this case is dismissed.

ISSUE

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

Did the Department properly sanction Claimant's Family Independence Program (FIP) for non-cooperation with the Ingham County Prosecutor's Office to establish child support?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

- (1) On May 2, 2014, Claimant was sent an appointment notice from the Ingham County Prosecutor's Office. The notice was for an appointment scheduled on May 15, 2014.
- (2) On May 15, 2014, Claimant did not attend the appointment scheduled with the Ingham County Prosecutor's Office.

- (3) On May 16, 2014, Claimant was sent an appointment notice from the Ingham County Prosecutor's Office. The notice was for an appointment scheduled on May 30, 2014.
- (4) On May 19, 2014, Claimant submitted an application for Family Independence Program benefits.
- (5) On May 30, 2014, Claimant did not attend the appointment scheduled with the Ingham County Prosecutor's Office.
- (6) On June 26, 2014, Claimant was sent an appointment notice from the Ingham County Prosecutor's Office. The notice was for an appointment scheduled on July 18, 2014.
- (7) On July 18, 2014, Claimant did not attend the appointment scheduled with the Ingham County Prosecutor's Office. Claimant was placed in child support non-cooperation status by the Ingham County Prosecutor's Office.
- (8) On July 22, 2014, Claimant was an ongoing recipient of Family Independence Program (FIP) benefits. Claimant and Mr. Patterson had been assigned to participant in Partnership, Accountability, Training, Hope (PATH). Claimant was involved in a disruptive interaction with her PATH worker.
- (9) On July 30, 2014, Claimant was sent a Notice of Non-Compliance (DHS-2444) which scheduled a meeting for August 6, 2014. Claimant was also sent a Notice of Case Action (DHS-1605) stating that the Family Independence Program (FIP) would close September 1, 2014. The notice stated the FIP closure was due to non-cooperation in establishing child support and for failure to participate in employment and/or self-sufficiency activities.
- (10) On August 6, 2014, Claimant participated in the scheduled triage meeting. The Department determined there was no good cause for Claimant's failure to participate in employment and/or self-sufficiency related activities.
- (11) On September 4, 2014, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

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.

Noncompliance of applicants, recipients, or member adds means doing **any** of the following **without** good cause:

Failure to complete a FAST or FSSP results in closure due to failure to provide requested verification. Clients can reapply at any time.

- Failing or refusing to:
 - Appear and participate with Partnership, Accountability, Training, Hope (PATH) or other employment service provider.
 - Complete a Family Automated Screening Tool (FAST), as assigned as the first step in the FSSP process.
 - Develop a Family Self-Sufficiency Plan (FSSP).
 - Comply with activities assigned on the FSSP.
 - Provide legitimate documentation of work participation.
 - Appear for a scheduled appointment or meeting related to assigned activities.
 - Participate in employment and/or self-sufficiency-related activities.
 - Participate in required activity.
 - Accept a job referral.
 - Complete a job application.
 - Appear for a job interview (see the exception below).
- Stating orally or in writing a definite intent not to comply with program requirements.
- Threatening, physically abusing or otherwise behaving disruptively toward anyone conducting or participating in an employment and/or self-sufficiency-related activity.
- Refusing employment support services if the refusal prevents participation in an employment and/or self-sufficiency-related activity.

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.

Overlapping Negative Actions and Client Requests

When FIP is expected to close for a reason unrelated to noncompliance (including verbal or written client request), use the following guidelines:

If a DHS-2444, Notice of Employment and/or Self-Sufficiency-Related Noncompliance, is issued to a noncompliant person before his/her verbal or written request for case closure or for any other reason, proceed with the noncompliance determination. If the client does not have good cause for the noncompliance, follow procedures outlined in this item under Processing the FIP Closure.

If a DHS-2444, Notice of Employment and/or Self-Sufficiency-Related Noncompliance, has not been issued before the verbal or written request for closure, or closure is initiated for any other reason, do not proceed with the noncompliance determination.

The Department alleged that Claimant was noncompliant because she behaved disruptively toward her PATH worker. Evidence was submitted which showed Claimant did behave disruptively toward her PATH worker and that is noncompliance in accordance with BEM 233A. However, the evidence in this record also shows that Claimant was placed in child support noncooperation BEFORE she engaged in the disruptive behavior.

BEM 233A, cited above, specifies that a noncompliance determination should not proceed if the Notice of Noncompliance (DHS-2444) has not been issued before "closure is initiated for any other reason." Closure of Claimant's Family Independence Program was initiated on July 18, 2014, when the Ingham County Prosecutor's Office put her in child support non-cooperation status. (Page 24) The Notice of Noncompliance (DHS-2444) was not sent until July 30, 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 acted in accordance with Department policy when it sanctioned Claimant's Family Independence Program for non-cooperation with the Ingham County Prosecutor's Office to establish child support.

The Department did not act in accordance with Department policy when it sanctioned Claimant's Family Independence Program (FIP) for noncompliance with the Partnership, Accountability, Training, Hope (PATH) program.

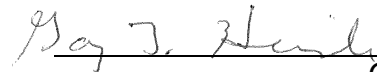
DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED IN PART with respect to non-cooperation with the Ingham County Prosecutor's Office to establish child support and

REVERSED IN PART with respect to noncompliance with the Partnership, Accountability, Training, Hope (PATH) program.

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 6 month PATH noncompliance sanction.
2. Leave the child support non-cooperation sanction in place until Claimant complies with the requirements of Bridges Eligibility Manual (BEM) 255 Child Support.



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

Date Signed: **10/27/2014**

Date Mailed: **10/27/2014**

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:

