

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-012241
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: November 12, 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 November 12, 2014, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator [REDACTED] PATH Coordinator [REDACTED] and PATH [REDACTED].

ISSUES

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

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 Food Assistance Program (FAP) benefits. It was mandatory for Claimant's benefit group to participate in Partnership, Accountability, Training, Hope (PATH). Claimant's participation requirement was 40 hours per week.
- (2) On August 11, 2014, Claimant received a non-compliance warning for unexcused absences on July 24, 25, and 29-31, 2014. Claimant was scheduled for a re-engagement meeting on August 18, 2014.
- (3) On August 18, 2014, Claimant met with her PATH case worker and received a 31 day bus pass.

- (4) For the week of August 18-22, 2014, Claimant did not submit any PATH participation documentation.
- (5) On August 29, 2014, Claimant left a telephone message for her PATH case worker stating she had medical documentation excusing her for August 18-22, 2014.
- (6) On September 5, 2014, Claimant was sent a Notice of Non-Compliance (DHS-2444) which scheduled a meeting for September 17, 2014.
- (7) On September 17, 2014, Claimant attended the scheduled triage meeting. Claimant submitted Job Search logs for August 18-22, 2014. The submitted job search logs added up to 32 hours of reported participation activity. The Department determined there was no good cause for Claimant's failure to participate in employment and/or self-sufficiency related activities.
- (8) On September 17, 2014, Claimant submitted a request for hearing.
- (9) On November 10, 2014, Claimant submitted additional documentation including a letter from PAC Barr dated September 22, 2014 which states Claimant will be out of work/school from 08/18/2014 through 09/01/2014 due to illness and may return on 09/02/2014.

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.

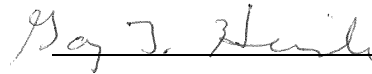
The Department alleged that Claimant was noncompliant because she did not participate in PATH during the week of August 18-22, 2014. Claimant asserts that she participated that week and that she was medically excused that week. It is noted that On August 29, 2014, Claimant asserted she had medical documentation excusing her for the week. Then at the triage meeting on September 17, 2014, Claimant submitted documentation of participation activity and asserted she had done it during the week at issue. However, the questionable and too late documentation only added up to 32 hours. Claimant was required to participate 40 hours per week. Then Claimant went back to asserting she had medical documentation excusing her. Review of the three letters signed by PAC [REDACTED] (Claimant's Exhibits 16-19) raise questions about their legitimacy. That combined with Claimant's inconsistent assertions about her participation, completely undermine the credibility of her good cause assertion.

Evidence presented at the hearing is not sufficient to establish that Claimant either met the Partnership, Accountability, Training, Hope (PATH) participation requirements or had good cause in accordance with Department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department properly sanctioned Claimant's Family Independence Program (FIP) for noncompliance with the Partnership, Accountability, Training, Hope (PATH) program.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **UPHELD**.



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

Date Signed: **12/9/2014**

Date Mailed: **12/9/2014**

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 48909-8139

cc:

