

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 14-000719  
Issue No.: 1008  
Case No.: [REDACTED]  
Hearing Date: May 15, 2014  
County: Grand Traverse

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

**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, an in person hearing was held on May 15, 2014, from Traverse City, Michigan. Participants on behalf of Claimant included Claimant and a witness [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], [REDACTED] and [REDACTED].

**ISSUE**

Did the Department properly close Claimant's FIP benefits for failing to participate with the 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 applied for FIP on October 9, 2013, and was approved and deferred from PATH.
2. On February 27, 2014, the Medical Review Team returned a decision and found that Claimant was work read with limitations.
3. On March 3, 2014, Claimant was sent a PATH appointment notice to attend on March 11, 2014.
4. Claimant attended and participated on March 11, 2014.
5. Claimant was assigned to return on March 13, 2014, and provide required materials.

6. On March 13, 2014, failed to appear for the scheduled appointment.
7. On March 14, 2014, notice of noncompliance with a scheduled triage and a notice of case action closing FIP and reducing FAP was sent to Claimant.
8. Claimant requested hearing on March 25, 2014 contesting the FIP closure and FAP reduction.
9. At triage on March 20, 2014, Claimant was found to not have good cause.
10. Claimant had dental work completed on March 11, 2014.
11. Claimant was given a JET Program Reengagement Agreement on March 14, 2014, that he signed on March 17, 2014.
12. Claimant appeared on March 14, 2014, to the Michigan Works office but failed to submit required paper work. Specifically, Claimant failed to complete his job logs, neglecting the back sheet of the log. Claimant also failed to submit a fully completed Community Service Program Agreement.

### **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.

#### **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. A claim of good cause must be verified and documented for member adds and recipients. Document the good cause determination in Bridges and the FSSP under the Participation and Compliance tab.

If it is determined during triage the client has good cause, and good cause issues have been resolved, send the client back to PATH. There is no need for a new PATH referral. Good cause includes the following:

#### **Employed 40 Hours**

The person is working at least 40 hours per week on average and earning at least state minimum wage.

**Client Unfit**

The client is physically or mentally unfit for the job or activity, as shown by medical evidence or other reliable information. This includes any disability-related limitations that preclude participation in a work and/or self-sufficiency-related activity. The disability-related needs or limitations may not have been identified or assessed prior to the noncompliance.

**Illness or Injury**

The client has a debilitating illness or injury, or a spouse or child's illness or injury requires in-home care by the client. BEM 233A

Additionally, Claimant was noncompliant with PATH because he failed to complete his job logs, neglecting the back sheet of the log. Claimant also failed to submit a fully completed Community Service Program Agreement because it was not signed by the supervisor of the program. Claimant testified that he was confused about the paperwork and the dates because of a discrepancy between two calendars. This Administrative Law Judge finds that Claimant was noncompliant with PATH. BEM 233A

Claimant asserted at hearing that he had good cause for failing to participate with PATH due to his overall health problems and to his health issues specifically related to dental work he had completed during the period in question. The dental work was completed on March 11, 2014. There is no indication in the note provided by the Claimant that the effects of the dental work prevented the Claimant from participating days later. Claimant asserted that his myriad of other health problems should give him good cause for failing to participate with PATH. The Medical Review Team reviewed Claimant's health circumstances and determined he was work ready with limitations. Claimant provided a list of medications dated March 14, 2014. None of these medications would be preclusive of participating with PATH activities. Claimant failed to present sufficient medical evidence that shows he has good cause for failing to participate with PATH. Claimant was not unfit or suffering from a debilitating illness or injury. BEM 233A

This Administrative Law Judge finds that Claimant was in noncompliance with the PATH program and he did not have good cause for failing to participate fully with the PATH program. Therefore the Department's closure of FIP, reduction of FAP and imposition of sanction was proper and correct.

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 closed Claimant's FIP benefits, reduced FAP benefits and imposed sanction.

**DECISION AND ORDER**

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



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

Date Signed: **5/23/2014**

Date Mailed: **5/23/2014**

AM/las

**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:

