

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

**IN THE MATTER OF:**

██████████  
████████████████████  
██████████

Reg. No.: 14-008060  
Issue No.: 1008  
Case No.: ██████████  
Hearing Date: August 27, 2014  
County: WAYNE-DISTRICT (31)

**ADMINISTRATIVE LAW JUDGE: Eric Feldman**

**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 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, ██████████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ ██████████ Family Independence Specialist.

**ISSUE**

Whether the Department properly closed Claimant's case for Family Independence Program (FIP) benefits based on Claimant's failure to participate in employment and/or self-sufficiency related activities without good cause?

**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 FIP benefits.
2. As part of Claimant's requirements for the Partnership. Accountability. Training. Hope. (PATH) program, she had to submit weekly community service logs indicating 20 hours of participation.
3. From on or around the beginning of June 2014 to mid-June 2014, Claimant submitted her weekly community service logs. See Exhibit 1, p. 6.
4. From on or around June 19, 2014, ongoing, Claimant failed to meet with the PATH program to submit her weekly community service logs. See Exhibit 1, p. 6.

5. On July 17, 2014, the Department mailed Claimant a Notice of Noncompliance scheduling Claimant for a triage appointment on July 23, 2014. Exhibit 1, pp. 4-5.
6. On July 17, 2014, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case, effective August 1, 2014, ongoing, based on a failure to participate in employment and/or self-sufficiency related activities without good cause. Exhibit 1, pp. 8-9.
7. On July 23, 2014, Claimant failed to attend her triage appointment; however, the Department failed to conduct a good cause determination even if she did not attend triage.
8. On July 21, 2014, Claimant filed a hearing request, disputing her FIP case closure. See Exhibit 1, p. 2.

### **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.

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 (October 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 (July 2013), p. 9. Good cause is determined during triage. BEM 233A, p. 9. 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. Good cause includes any of the following: employment for 40 hours/week, physically or mentally unfit, illness or injury, reasonable accommodation, no child care, no transportation, illegal activities, discrimination, unplanned event or factor, long commute or eligibility for an extended FIP period. BEM 233A, pp. 3-5.

In this case, Claimant was an ongoing recipient of FIP benefits. As part of Claimant's requirements for the PATH, she had to submit weekly community service logs indicating 20 hours of participation. During the hearing, the Department referenced its updated/view case notes, which described the history of Claimant's PATH program history. See Exhibit 1, pp. 6-7. On May 12, 2014, the PATH case worker indicated that a reengagement meeting was held in which it discussed Claimant's program plans and expectations. See Exhibit 1, p. 6.

On May 22, 2014, the case notes indicated that Claimant met with the PATH caseworker to notify her of the requirements of submitting weekly community service logs and that 20 hours is required. See Exhibit 1, p. 6. Then, from on or around the beginning of June 2014 to mid-June 2014, Claimant submitted her weekly community service logs. See Exhibit 1, p. 6. However, from on or around June 19, 2014, ongoing, Claimant failed to submit her weekly community service logs. See Exhibit 1, p. 6. Based on Claimant's failure to submit her weekly community service logs, the PATH program/Department found her in noncompliance.

On July 17, 2014, the Department mailed Claimant a Notice of Noncompliance scheduling Claimant for a triage appointment on July 23, 2014. Exhibit 1, pp. 4-5. On July 17, 2014, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case, effective August 1, 2014, ongoing, based on a failure to participate in employment and/or self-sufficiency related activities without good cause. Exhibit 1, pp. 8-9. On July 23, 2014, Claimant failed to attend her triage appointment; however, the Department failed to consider good cause even if she did not attend triage. The Department was unable to confirm if it conducted a good cause determination even in her absence of the triage. The Department testified that if Claimant attended her triage or her pre-hearing conference, it could have then conducted a good cause determination.

At the hearing, Claimant testified that she had two good cause reasons, including transportation and child care. Claimant referenced the case notes to show that the Department was aware of her barriers. As to Claimant's transportation issue, she acknowledged that she received bus tickets each week that she attends the PATH program. However, Claimant testified that the bus route would complicate and make her travel difficult when attending the community service activities and/or her weekly PATH attendance. As to Claimant's child care issue, the case notes indicated that on May 12, 2014, Claimant had problems with PATH participation due to family issues. See Exhibit 1, p. 6. Claimant testified that this meant child care. Claimant testified that she had applied before this date for child care; however, she was denied. The Department testified that Claimant was denied due to a verification issue. Claimant testified that she did not apply subsequent to reengagement meeting.

Additionally, Claimant agreed that she had not submitted her weekly community service logs on or around June 19, 2014, ongoing because of her good cause reasons stated above. Claimant testified, though, that she was participating in the community service with approximately 12 to 15 hours a week. When asked if Claimant had proof of her

weekly logs, Claimant testified that logs were destroyed due to the recent flooding that had occurred in the metro-Detroit region. Finally, Claimant testified that she did not attend the triage due to misinterpreting her DHS correspondence.

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, p. 9. Clients must comply with triage requirements and provide good cause verification within the negative action period. BEM 233A, p. 9.

The Department determines good cause based on the best information available during the triage and prior to the negative action date. BEM 233A, p. 9. Good cause may be verified by information already on file with DHS or PATH. BEM 233A, p. 9. Good cause must be considered even if the client does not attend, with particular attention to possible disabilities (including disabilities that have not been diagnosed or identified by the client) and unmet needs for accommodation. BEM 233A, pp. 9-10.

Based on the foregoing information and evidence, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Claimant's FIP benefits effective August 1, 2014. BEM 233A states that good cause must be considered even if the client does not attend (triage). See BEM 233A, pp. 9-10. The Department was unable to confirm whether it conducted a good cause determination even if she did not attend the triage. Because the Department failed to determine good cause even if the client does not attend, the Department improperly closed Claimant's FIP benefits effective August 1, 2014. BEM 233A, pp. 9-10. The Department will remove Claimant's sanction and reinstate her FIP benefits. However, the Department will notify Claimant in writing of a new triage meeting to determine if she had a good cause reason for the noncompliance, in accordance with Department policy. See BEM 233A, pp. 9-10.

### **DECISION AND ORDER**

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Claimant's FIP benefits effective August 1, 2014.

Accordingly, the Department's FIP decision is REVERSED.

☒ 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 Claimant's first FIP sanction from her case;
2. Begin reinstating Claimant's FIP case effective August 1, 2014;

3. Begin issuing supplements to Claimant for any FIP benefits she was eligible to receive but did not from August 1, 2014; and
4. Notify Claimant in writing of a new triage meeting to determine if she had a good cause reason for the noncompliance, in accordance with Department policy.



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

Date Signed: **8/28/2014**

Date Mailed: **8/28/2014**

EJF/cl

**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:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]