

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-008168
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: October 08, 2014
County: Oakland (02)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 October 8, 2014 from Madison Heights, Michigan. Participants included the above-named Claimant, [REDACTED], Claimant's uncle, appeared as Claimant's witness, translator, and authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (DHS) included [REDACTED], PATH Coordinator, [REDACTED] Specialist, and [REDACTED] Case Manager.

ISSUE

The issue is whether DHS properly terminated Claimant's Refugee Cash Assistance (RCA) and Food Assistance Program (FAP) eligibility due to noncompliance with employment-related activities.

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 RCA and FAP recipient.
2. Claimant was an ongoing mandatory refugee contractor participant.
3. On [REDACTED] Claimant began employment which was set up through her refugee contractor.
4. On [REDACTED], Claimant quit her employment.
5. On [REDACTED] DHS initiated termination of Claimant's RCA and FAP eligibility, effective 7/2014, due to Claimant's noncompliance with employment-related activity.

6. On [REDACTED], a triage was held and DHS determined that Claimant did not have good cause for quitting employment.

CONCLUSIONS OF LAW

The Refugee Assistance Program was established by the U.S. Congress. The Office of Refugee Resettlement (ORR) in HHS has specific responsibility for the administration of Refugee Cash Assistance /Refugee Medical Assistance. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services Reference Tables Manual (RFT).

The Refugee Cash Assistance program (RCA) is temporary cash assistance to support a family's movement to self-sufficiency. BEM 230C (2/2014), p. 1. The recipients of RCA engage in employment and self-sufficiency related activities so they can become self-supporting. *Id.* Federal and state laws require each mandatory participant in the RCA group to participate in the employment-related activities provided through a Refugee Contractor (RC) unless temporarily deferred. *Id.* RCA recipients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. *Id.*

Claimant requested a hearing, in part, to dispute a termination of cash benefits through the RAP. It was not disputed that the termination of cash benefits was based on an employment-related disqualification imposed by DHS after Claimant quit employment.

When a RCA mandatory participant fails without good cause to comply with an employment and/or self-sufficiency-related activity or refuses suitable employment, a member disqualification must be imposed. BEM 233C (7/2013), p. 1. Refusing suitable employment means any of the following:

- Failing or refusing to appear for a job interview;
- Refusing a bona fide offer of employment or additional hours up to 40 hours per week, except for certain clients in post-secondary education. The employment may be on a shift; full or part time up to 40 hours per week; and temporary, seasonal or permanent.
- A bona fide offer of employment means a definite offer paying wages of at least the applicable federal or state minimum wage.
- Voluntarily reducing hours or otherwise reducing earnings.
- Quitting a job.

Id., p. 2.

It was not disputed that Claimant was a mandatory refugee contractor participant. It was not disputed that her refugee contractor found Claimant a housekeeping job, which Claimant started on [REDACTED]. It was also not disputed that Claimant quit her job on [REDACTED]. Quitting employment is a basis for finding that Claimant was non-compliant with employment-related activities.

Good cause is a valid reason for failing to participate in employment and/or self-sufficiency-related activities that are based on factors that are beyond the control of the noncompliant MP. *Id.*, p. 4. A claim of good cause must be verified and documented for applicants, recipients and member adds. *Id.* Examples of good cause listed in DHS policy include the following: lack of physical or mental fitness for employment, illness or injury by a client or family member, accommodation for disability, no child care, no transportation, illegal activities, discrimination, unplanned event, comparable work, or long commute.

A triage was held on [REDACTED] to discuss Claimant's reasons for quitting employment. Claimant provided two reasons for quitting employment.

Claimant testified that she did not want to be a housekeeper. Claimant did not elaborate on her personal preferences. Claimant's employment preference was unpersuasive good cause for quitting.

Claimant testified that she entered the United States on [REDACTED]. Claimant also testified that she was attending English speaking classes at the time that she started employment. Claimant's testimony suggested that she was sent to work too soon after she entered the United States.

It is debatably sensible and/or compassionate to allow refugees some period of acclimation in the United States before employment requirements are imposed. As DHS policy is currently written, there is no standard acclimation period following U.S. entry for refugees. DHS added testimony that Claimant's employment did not require Claimant to speak English. As an example, DHS presented testimony that two other refugees were hired along with Claimant, one of whom continues to maintain employment. Based on the presented evidence, it is found that Claimant did not have good cause for quitting employment.

DHS is to disqualify a mandatory participant who fails without good cause to meet employment requirements by removing the person from the eligible group. *Id.*, p. 7. Bridges (the DHS database) automatically applies disqualification for the first failure, a minimum of three months, after which the person must participate to regain eligibility. *Id.* It is found that DHS properly imposed a three month disqualification on Claimant's RCA eligibility due to Claimant quitting employment without good cause.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

As a result of Claimant's job quitting, DHS also imposed a FAP disqualification against Claimant. The disqualification resulted in a termination of FAP eligibility, effective 7/2014.

Michigan's FAP Employment and Training program is voluntary and penalties for noncompliance may only apply in the following two situations:

- Client is active FIP/RCA and FAP and becomes noncompliant with a cash program requirement without good cause.
- Client is active RCA and becomes noncompliant with a RCA program requirement.
- Client is pending or active FAP only and refuses employment (voluntarily quits a job or voluntarily reduces hours of employment) without good cause.

BEM 233B (7/2013), p. 1.

Two lessons can be discerned from the above-cited DHS policy. First, DHS is not good at counting up to three. Secondly, Claimant's circumstances justify imposition of a FAP disqualification

It should be noted that imposition of RCA and FAP disqualifications do not necessarily equate to benefit closure. Benefit closure is appropriate when a disqualified person is the only group member. Claimant was the only member of her RCA and FAP benefit group. It is found that DHS properly terminated Claimant's RCA and FAP eligibility, effective 7/2014.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's RCA and FAP eligibility, effective 7/2014, due to Claimant's quitting of employment. The actions taken by DHS are **AFFIRMED**.



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

Date Signed: **10/30/2014**

Date Mailed: **10/30/2014**

CG / hw

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:

