

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-010078
Issue No.: FIP
Case No.: [REDACTED]
Hearing Date: October 08, 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 8, 2014, from Lansing, Michigan. Participants on behalf of Claimant included himself. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator [REDACTED] MWA worker [REDACTED] MWA worker [REDACTED] and MWA worker [REDACTED] Ms. [REDACTED] of [REDACTED] participated as an Arabic translator.

ISSUES

Did the Department properly sanction Claimant's Refugee Cash Assistance (RCA) for refusing suitable employment?

Did the Department properly sanction Claimant's Food Assistance Program (FAP) 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 Refugee Cash Assistance (RCA) and Food Assistance Program (FAP) benefits.
- (2) On August 1, 2014, Claimant was offered full time employment working 3rd shift. Claimant refused to take the job and stated he would take employment on 1st or 2nd shift.
- (3) On August 1, 2014, Claimant was sent a Notice of Non-Compliance (DHS-2444). The notice incorrectly stated that Claimant's Family Independence Program would be closed. Claimant was also sent a Notice of Case Action

(DHS-1605) which correctly stated that his Food Assistance Program (FAP) would be reduced but incorrectly stated his Family Independence Program would close.

- (4) On August 14, 2014, Claimant participated in a triage meeting. The Department determined there was no good cause for Claimant's failure to participate in employment and/or self-sufficiency related activities.
- (5) On August 14, 2014, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

Refugee Cash Assistance Program

The Refugee Cash Assistance (RCA) Program was established pursuant to 45 CFR 400 & 401. The Department (formerly known as the Family Independence Agency) administers RCA pursuant to 45 CFR 400 & 401.

The Department's policies are available on the internet through the Department's website. Bridges Eligibility Manual (BEM) 233C Failure To Meet Employment and/or Self-Sufficiency Related Requirements: RCA, provides guidance for administration of the program. The policy identifies participation requirements, actions that are noncompliant, the consequences of noncompliance, and the definition of good cause for noncompliance.

As a condition of eligibility WEIs in the eligible group must work or engage in activities leading to employment. Persons failing to do so are disqualified from the eligible group. Use FIP policy in BEM 228 under Work Eligible Individuals, REQUIRED HOURS OF PARTICIPATION FOR WEIs, and Deferral for Short Term Incapacity in BEM 230A.

Noncompliance with an employment and/or self-sufficiency-related activity means any of the following:

Failing or refusing to:

Comply with activities assigned to the MP on the Refugee Family Self-Sufficiency Plan (RFSSP) as created with the Refugee Contractor (RC).

Participate in employment and/or self-sufficiency-related activities.

Accept a job referral and/or offer of employment.

Register/participate with the RC for employment services.

Participate in any arranged job interview or scheduled appointment.

Participate in any employability service program which provides job or language training, which is determined to be available and appropriate for the client.

Participate in any social service or targeted assistance program if referred and as available in the area in which the refugee resides.

Stating orally or in writing a definite intent not to comply with program requirements.

Threats, physical abuse or other behavior disruptive 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.

Refusing Suitable Employment

As a condition of eligibility, eligible group members who are MPs cannot refuse suitable employment up to 40 hours per week.

Refusing suitable employment means any of the following:

Failing or refusing to appear for a job interview; see the exception in this item.

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.

Exception: This does not include quitting a seasonal job to return to an approved, self-initiated plan for education.

Firing for misconduct or absenteeism (not for incompetence).

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 MP. A claim of good cause must be verified and documented for member adds and recipients.

PENALTIES FOR FAILURE TO COMPLY

The policies in this section apply to both noncompliance with employment and/or self-sufficiency-related activities and refusing suitable employment. A MP who fails to meet either work requirement is disqualified from the eligible group.

The Department alleged that Claimant was noncompliant because he refused to accept the employment offer. Claimant testified that he would have taken a 1st or 2nd shift position with the employer. Claimant articulated some excuses, but none of them were credible since he testified he can, and would, do the same work on any shift but 3rd. In accordance with BEM 233C Claimant is noncompliant.

Food Assistance Program

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1997 AACS R 400.3001-3015.

BEM 233B Failure To Meet Employment Requirements: FAP provides guidance for application of Partnership, Accountability, Training, Hope (PATH) program requirements to Food Assistance Program benefits. The policy identifies the circumstances under which a PATH noncompliance results in a Food Assistance Program sanction.

If a participant is active FIP/RCA and FAP at the time of FIP/RCA noncompliance, determination of FAP good cause is based on the FIP/RCA good cause reasons outlined in BEM 233A/B. For the FAP determination, if the client does not meet one of the FIP/RCA good cause reasons, determine the FAP disqualification based on FIP/RCA deferral criteria only as outlined in BEM 230A/B, or the FAP deferral reason of care of a child under 6 or education. No other deferral reasons apply for participants active FIP/RCA and FAP.

In accordance with BEM 233B, Claimant's RCA noncompliance is properly applied to his Food Assistance Program benefits.

DECISION AND ORDER

Refugee Cash Assistance (RCA)

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 established

that Claimant was noncompliant with Refugee Cash Assistance (RCA) requirements but did not properly sanctioned Claimant's Refugee Cash Assistance (RCA). In accordance with Bridges Eligibility Manual (BEM) 233C Failure To Meet Employment and/or Self-Sufficiency Related Requirements: RCA the correct sanction is to remove Claimant from the RCA group.

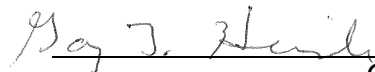
It is ORDERED that the actions of the Department of Human Services, related to Claimant's cash assistance, are REVERSED.

It is further ORDERED that: Claimant's Refugee Cash Assistance (RCA) be reinstated; the proper employment related sanction be applied to the Refugee Cash Assistance (RCA); and any benefits the group was otherwise eligible for but did not receive due to the incorrect closure of the Refugee Cash Assistance (RCA), be supplements.

Food Assistance Program (FAP)

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 established that Claimant was noncompliant with Refugee Cash Assistance (RCA) requirements and properly applied a sanction to Claimant's Food Assistance Program.

It is ORDERED that the actions of the Department of Human Services, related to Claimant's Food Assistance Program, are **UPHELD**.



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

Date Signed: **10/14/2014**

Date Mailed: **10/14/2014**

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:

