

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-013684
Issue No.: PATH
Case No.: [REDACTED]
Hearing Date: November 13, 2014
County: BERRIEN (DISTRICT 22)

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 13, 2014, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included FIM [REDACTED] PATH [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?

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) On March 19, 2014, Claimant submitted an application for Family Independence Program benefits. Claimant was deferred from participation in PATH.
- (2) On July 1, 2014, Claimant was sent a Partnership, Accountability, Training, Hope (PATH) Appointment Notice (DHS-4785 form). The notice stated that Claimant was required to attend Partnership, Accountability, Training, Hope (PATH) beginning July 14, 2014.
- (3) On July 14, 2014, Claimant did not attend PATH.

- (4) On July 24, 2014, Claimant was sent a Partnership, Accountability, Training, Hope (PATH) Appointment Notice (DHS-4785 form). The notice stated that Claimant was required to attend Partnership, Accountability, Training, Hope (PATH) beginning August 4, 2014.
- (5) On August 1, 2014, Claimant was issued a Medical Needs PATH (DHS-54-E).
- (6) On August 4, 2014, Claimant did not attend PATH. At 4:30 pm Claimant called PATH had reported she could not attend because she had a Doctor's appointment.
- (7) On August 12, 2014, Claimant reported to DHS that she had moved back in with the biological father of her children.
- (8) On September 5, 2014, Claimant reported to DHS that she had moved back to her mother's two days after reporting that she was living with the father of her children.
- (9) On September 5, 2014, Claimant was sent a Partnership, Accountability, Training, Hope (PATH) Appointment Notice (DHS-4785 form). The notice stated that Claimant was required to attend Partnership, Accountability, Training, Hope (PATH) beginning September 15, 2014.
- (10) On September 12, 2014, Claimant called DHS. Claimant asserted she would not be able to attend PATH on September 15, 2014, because she did not have anyone to get her from the bus. She also asserted she had applied for SSI and was told she did not have to attend if there was a pending SSI application.
- (11) On September 15, 2014, Claimant did not attend PATH.
- (12) On September 22, 2014, Claimant reported to DHS that she was homeless.
- (13) On September 24, 2014, Claimant was sent a Notice of Non-Compliance (DHS-2444) which scheduled a meeting for October 1, 2014. Claimant was also sent a Notice of Case Action (DHS-1605) stating that the Family Independence Program (FIP) and Food Assistance Program (FAP) would be sanctioned.
- (14) On October 1, 2014, Claimant attended the scheduled meeting. The Department determined there was no good cause for Claimant's failure to participate in employment and/or self-sufficiency related activities.
- (15) On October 6, 2014, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

Family Independence Program

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.

Claimant does not dispute failure to attend PATH but asserts good cause based on medical problems. Claimant was asked if she had any medical verification regarding her asserted medical problems. Claimant asserted she had gotten a form filled out and submitted it back around August 4, 2014. Claimant also asserted that she had another Doctor's appointment coming up. Claimant was asked if she made copies of the form she submitted around August 4, 2014, and stated no. Claimant asserted she had some medical documentation at home but did not bring it with her to this hearing. Claimant also asserted that she also has to go to a psychologist.

Based on the totality of evidence in this record, Claimant's excuses and assertions that everyone but herself is to blame, are not credible. Evidence presented at the hearing is not sufficient to establish that Claimant had good cause in accordance with Department policy.

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

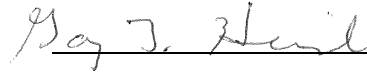
In accordance with BEM 233B, Claimant's Partnership, Accountability, Training, Hope (PATH) noncompliance is properly applied to her Food Assistance Program benefits.

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) and Food Assistance Program (FAP) 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: **11/19/2014**

Date Mailed: **11/19/2014**

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:

