

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201425587  
Issue No.: 1008  
Case No.: [REDACTED]  
Hearing Date: March 5, 2014  
County: Genesee County DHS #2

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**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 March 5, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED].

**ISSUE**

Whether the Department of Human Services (Department) properly sanctioned the Claimant's Family Independence Program (FIP) case for noncompliance with employment and/or self-sufficiency related activities?

**FINDINGS OF FACT**

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant was an ongoing Family Independence Program (FIP) recipient until March 1, 2014.
2. The Department referred the Claimant to the Partnership Accountability Training Hope (PATH) program as a condition of receiving FIP benefits.
3. The Department found the Claimant to be noncompliant with the PATH program on January 23, 2014, for refusing suitable employment.
4. The Department conducted a triage meeting on January 29, 2014.

5. On January 23, 2014, the Department notified the Claimant that it would sanction her FIP benefits as of March 1, 2014.
6. The Department received the Claimant's request for a hearing on January 31, 2014, protesting the sanctioning of her FIP benefits.

### **CONCLUSIONS OF LAW**

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Federal and state laws require each work eligible individual (WEI) in the FIP group to participate in Partnership. Accountability. Training. Hope. (PATH) or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. PATH is administered by the Workforce Development Agency, State of Michigan through the Michigan one-stop service centers. PATH serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. PATH case managers use the One-Stop Management Information System (OSMIS) to record the clients' assigned activities and participation. Department of Human Services Bridges Eligibility Manual (BEM) 230A (October 1, 2013), p 1.

Noncompliance of applicants, recipients, or member adds includes doing any of the following without good cause:

- Failing or refusing to:
  - Accept a job referral.
  - Complete a job application.
  - Appear for a job interview.
- Refusing employment support services if the refusal prevents participation in an employment and/or self-sufficiency-related activity.
- Department of Human Services Bridges Eligibility Manual (BEM) 233A (July 1, 2013), pp 2-3.

In this case, the Claimant was an ongoing Family Independence Program (FIP) recipient until March 1, 2014, and the Department had referred her to the PATH

program as a condition of receiving FIP benefits. The Claimant was noncompliant with the PATH program when the Department determined that she had refused suitable employment. The Department conducted a triage meeting on January 29, 2014, where the Claimant was given the opportunity to establish good cause for noncompliance with the PATH program. The Claimant participated in the triage meeting but the Department determined that she did not have good cause. On January 23, 2014, the Department notified the Claimant that it would sanction her Family Independence Program (FIP) benefits as of March 1, 2014.

The Department's witness testified that the Claimant failed to display sufficient enthusiasm with an opportunity for employment arranged through the PATH program. The Department's witness testified that it was highly probable that the Claimant would be hired because FIP recipients referred through the PATH program are generally hired. The Department's witness testified that based on the Claimant's attitude, that she chose not to continue with his referral for the employment because of the effect it might have on his reputation and ability to refer future clients. The Department's witness testified that the Claimant failed to update her resume in a timely manner.

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Claimant did not fail or refuse to accept a job referral, complete a job application, or appear for a job interview. This Administrative Law Judge also finds that the Claimant did not refuse employment support services that prevented participation in an employment activity.

If the Claimant had been allowed to apply for the employment opportunity arranged through the PATH program, and the employer refused to hire the Claimant based on her failure to make a good faith effort to obtain the employment, this might be considered a refusal to accept suitable employment.

However, this Administrative Law Judge finds the opinion of a PATH employee that the Claimant failed to display sufficient enthusiasm does not meet the definition of noncompliance or a refusal of suitable employment outlined in BEM 233A.

This Administrative Law Judge finds that the Department failed to establish that the Claimant refused to update her resume. Other than witness testimony that the Claimant had failed to update her resume in a timely manner, the Department failed to present sufficient evidence to demonstrate what was expected of the Claimant and the time frame that she was expected to make these updates to her resume.

Furthermore, if the probability of the Claimant being hired by the employer she was being referred to was as high as the Department's witness described, it is not clear why the Claimant's failure to update her resume was so important, that her failure to do so would have prevented her from getting hired.

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. Department of Human Services Bridges Eligibility Manual (BEM) 233B (July 1, 2013), p 2.

Therefore, this Administrative Law Judge finds that the Department failed to establish that the Claimant was noncompliant with the PATH program and it improperly sanctioned her FIP benefits based on this finding of noncompliance. Furthermore, if the Department has sanctioned any Food Assistance Program (FAP) benefits the Claimant was eligible to receive, this sanction is also improper. Therefore, the Department's sanctions for noncompliance with the PATH program are REVERSED.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department failed to establish that it properly sanctioned the Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) benefits for noncompliance with the Partnership. Accountability Training. Hope. (PATH) program.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Delete the negative action from the Claimant's benefits case file.
2. Initiate a determination of the Claimant's eligibility for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits as of March 1, 2014.
3. Provide the Claimant with a Notice of Case Action (DHS-1605) describing the Department's revised eligibility determination.
4. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.



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Kevin Scully  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: March 14, 2014

Date Mailed: March 14, 2014

**NOTICE:** Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or

reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing MAY be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration MAY be granted for any of the following reasons:
- misapplication of manual policy or law in the hearing decision,
- typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
- the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at  
Michigan Administrative hearings  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

KS/hj

cc:

