

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

IN THE MATTER OF:

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

Reg. No.: 2014-27236
Issue No(s): 1008
Case No.: ██████████
Hearing Date: March 17, 2004
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 17, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, PATH Worker, ██████████, Triage Coordinator, and ██████████, Career Development Facilitator.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case for failure to participate in 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 is an ongoing recipient of FIP benefits.
2. On January 17, 2014, Claimant signed a Reengagement Agreement which required her to participate in an on-site internship beginning on January 27, 2014 and submit three off-site work activities by January 21, 2014.
3. Claimant failed to submit the three off-site work activities by January 21, 2014.
4. Claimant failed to attend the January 27, 2014 internship appointment.

5. On January 30, 2014, the Department sent Claimant a Notice of Noncompliance instructing her to appear for a triage on February 7, 2014 and explain why she failed to comply with the terms of the Reengagement Agreement.
6. On January 30, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FIP case would close effective March 1, 2014 because she failed to participate in employment and/or self-sufficiency related activities.
7. On February 6, 2014 and February 7, 2014, Claimant contacted her assigned worker to advise that she was experiencing car trouble and was therefore unable to attend the February 7, 2014 triage.
8. Claimant's assigned worker was out of the office and did not get Claimant's voicemails until she returned on February 10, 2014.
9. At the February 7, 2014, triage, the Department determined that Claimant did not have good cause for failing to comply with the terms of the Reengagement Agreement.
10. On February 10, 2014, Claimant requested a hearing disputing the Department's actions.

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, 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.

The Department requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. The focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate, without good cause. BEM 233A (July 2013), p. 1.

A Work Eligible Individual (WEI) and a non-WEI who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized. Depending on the case situation, penalties include the following:

- Delay in eligibility at application.

- Ineligibility (denial or termination of FIP with no minimum penalty period).
- Case closure for a minimum of three months for the first episode of noncompliance, six months for the second episode of noncompliance and lifetime closure for the third episode of noncompliance. *Id.*

In this case, the Claimant was scheduled to attend a meeting on February 7, 2014 to determine whether she had good cause for failing to attend the January 27, 2014 internship and failing to submit three off-site work activities. Claimant left a voicemail for her assigned worker on February 6, 2014 and February 7, 2014 indicating that she was unable to attend the February 7, 2014 meeting because she was experiencing car trouble. Claimant's assigned worker was out of the office on both February 6, 2014 and February 7, 2014. Claimant's assigned worker returned her call on February 10, 2014 but did not inquire as to why Claimant failed to appear for the January 27, 2014 internship or why she failed to submit her off-site documents. At the February 7, 2014 meeting, the Department found that Claimant failed to establish good cause for her noncompliance.

In this case, the Claimant made the Department aware the day before the meeting that she did not have adequate transportation to attend the meeting. A client is entitled to participate in a triage meeting by telephone if in-person attendance is not possible. BEM 233A (July 2013), p. 9. The Claimant had no way of knowing that her assigned worker was not in the office when she attempted to provide notice of her non-attendance. Therefore, it is found that the Claimant had good cause for failing to attend the February 7, 2014 meeting. Because it has been found that Claimant had good cause for failing to attend the February 7, 2014 meeting, Claimant's explanation for failing to comply with the terms of the Reengagement Agreement is considered.


The agreement required that Claimant participate in an on-site internship which was scheduled to begin on January 27, 2014. Claimant was also required to submit three off-site work activities by January 21, 2014. Claimant indicated that she failed to attend the January 27, 2014 because she did not have adequate day care. Claimant testified that, based upon a conversation with the Career Development Facilitator, she believed if she missed the January 27, 2014 internship she would not be allowed to continue in the program and therefore did not contact the Agency to advise it that she would not be able to attend. The Career Development Facilitator testified that she merely explained that there would be further consequences if she failed to comply with the terms of the Reengagement Agreement.

Claimant further admitted that she did not return the off-site work activities by January 21, 2014 or any time thereafter. Claimant's testimony that she believed it was pointless to advise the Department of her non-appearance and her inability to provide a reasonable explanation for her failure to submit the off-site work activities does not provide a basis upon which good cause can be found.

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 acted in accordance with Department policy when it closed Claimant's FIP Case.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.


JACQUELYN A. MCCLINTON
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 26, 2014

Date Mailed: March 26, 2014

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted 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 Department, AHR or the claimant 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 the hearing decision is mailed.

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

2014-27236/JAM

JAM/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]