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

IN THE MATTER OF:

[redacted]

Reg. No.: 14-010286
Issue No.: PATH
Case No.: [redacted]
Hearing Date: October 08,2014
County: SAGINAW

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 Saginaw, Michigan. Participants on behalf of Claimant included the Claimant, [redacted], and ex-sister in law, [redacted]. Participants on behalf of the Department of Human Services (Department) included [redacted], Hearing Facilitator, and [redacted], PATH Triage Specialist and Community Service Coordinator.

ISSUE

Did the Department properly close and sanction the Claimant's Family Independence Program (FIP) case for noncompliance with the Partnership Accountability Training Hope (PATH) program requirements?

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 a recipient of FIP benefits and a mandatory PATH participant.

2. On May 15, 2014, the Department mailed Claimant a letter of Noncompliance (DHS-2444) based on no participation in required activity.

3. On May 15, 2014, a Notice of Case Action was issued to Claimant stating the FIP case would close for at least 3 months effective June 1, 2014, due to an alleged violation of the PATH program requirements.

4. On May 27, 2014, the Claimant filed a request for hearing contesting the Department's action.

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, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

FIP is temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency related activities so they can become self-supporting. 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. BEM 230 A, 10-1-2013, p. 1.

A WEI and non-WEIs[1], who fails to participate in employment or self-sufficiency-related activities without good cause, 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. The goal of the FIP penalty policy is to obtain client compliance with appropriate work and/or self-sufficiency related assignments and to ensure that barriers to such compliance have been identified and removed. The goal is to bring the client into compliance. BEM 233A, 7-1-2013, p. 1.

Noncompliance of applicants, recipients, or member adds includes, without good cause, failing or refusing to: appear and participate with PATH or other employment service provider; appear for a scheduled appointment or meeting related to assigned activities. BEM 233A, p. 2.

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. BEM 233A, pp. 4 and 6. (Emphasis added by ALJ)

[1] Except ineligible grantees, clients deferred for lack of child care, and disqualified aliens. See BEM 228.

PATH participants will not be terminated from PATH without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. Good cause is determined based on the best information available during the triage and prior to the negative action date. Good cause may be verified by information already on file with DHS or PATH. Good cause must be considered even if the client does not attend, with particular attention to possible disabilities (including disabilities that have not been diagnosed or identified by the client) and unmet needs for accommodation. BEM 233 A, pp. 9-10.

In this case, the Department asserts that the Claimant has been noncompliant with the PATH program requirements due to no participation in required activity. Specifically, Claimant did not call or show for an appointment on May 8, 2014, nor for the re-engagement appointment on May 15, 2014. Claimant's original appointment date was May 7, 2014. Claimant called the PATH program that date and per her requested, the appointment was re-scheduled for May 8, 2014. When Claimant did not call or show for the May 8, 2014, appointment, the PATH program attempted to call Claimant, but could not reach her. On May 8, 2014, written notice was issued to Claimant stating that she must attend a re-engagement appointment on May 15, 2014. Claimant did not call or show for the re-engagement appointment. On May 15, 2014, the Department mailed Claimant a letter of Noncompliance based on not participating in required activity. A Triage Meeting Notice was also issued to Claimant for a triage meeting on May 27, 2014. Claimant failed to attend the triage meeting and the Department did not find good cause for the non-compliance.

Claimant testified she thinks she was having transportation problems in May 2014. Claimant also testified she has a persistent problem with not receiving her mail.

Claimant further noted she has been trying to address an inability to participate in PATH due to disability. However, Claimant's testimony indicated her doctor said she could at least attend the PATH orientation and he did not document impairments that affect her ability to participate until June 2014. The PATH witness confirmed that Claimant had not listed any impairment(s) at the time of this PATH referral and orientation. As discussed on the record, the action at issue for this hearing is the alleged non-compliance in May 2014. Accordingly, the assertion of disability in June 2014 is too recent to be considered for this case.

The evidence shows the PATH program tried to work with Claimant. Claimant's May 7, 2014 appointment was rescheduled for the next day at her request. Even if Claimant had a transportation problem on May 8, 2014, there is no evidence Claimant called the PATH program to report this issue and/or to request the appointment be re-scheduled again. Further, the notice of the re-engagement appointment could only be sent to Claimant by mail when the PATH program was unsuccessful in reaching Claimant by phone on May 8, 2014. Claimant's testimony indicates electronic communication, such as email or thru Department's Bridges website, is not an option for her. Lastly, Claimant has not submitted any verification of transportation or mail delivery problems.

The Claimant has not provided sufficient evidence of good cause for the non-compliance of not participating in required activities, specifically the scheduled May 2014 meetings with the PATH program. Accordingly, the closure and sanction of the Claimant's FIP case based on her noncompliance with the PATH program requirements is upheld.

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 and sanctioned the Claimant's FIP case based on her noncompliance with the PATH program requirements.

DECISION AND ORDER

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

Colleen Lack
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **10/15/2014**

Date Mailed: **10/15/2014**

CL/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: [redacted]