

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 14-018754  
Issue No.: 1008  
Case No.: [REDACTED]  
Hearing Date: January 28, 2015  
County: Kalamazoo

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

**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 January 28, 2015, from Kalamazoo, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] - Hearings Facilitator, [REDACTED], and [REDACTED] - Michigan Works.

**ISSUE**

Did the Department properly close Claimant's Family Independence Program benefits for failing to comply with the Personal Action Toward Health (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 assigned to PATH orientation with a November 3, 2014, appointment for orientation following an MRT determination that she was work ready with limitations.
2. Claimant failed to appear for her PATH orientation at the assigned time.
3. Claimant's case was assigned to triage and triage was scheduled for December 18, 2014.
4. At triage, Claimant was found to not have good cause and her case was processed for closure.

5. Claimant requested hearing on December 19, 2014, and benefits were reinstated pending hearing.
6. Claimant's treating physician completed a Medical Needs form dated [REDACTED], that found Claimant was capable of sitting about 6 hours in an 8-hour workday.
7. Claimant's treating physician completed a Medical Examination report dated [REDACTED], that found that Claimant was capable of lifting no weight and listed no restrictions for standing/walking and sitting. Claimant's conditions were also found to be "stable".
8. On [REDACTED], the Medical Review Team found that Claimant was "Work Ready with limitations" and capable of lifting 10 pounds frequently, 20 pounds occasionally, standing/walking for about 6 hours in an 8-hour day and sitting for 6 hours in an 8-hour day.
9. Claimant testified that she suffers from narcolepsy, fibromyalgia, chronic pain, cataplexia and arthritis.

### **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.

### **GOOD CAUSE FOR NONCOMPLIANCE**

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. Document the good cause determination in Bridges and the FSSP under the Participation and Compliance tab.

If it is determined during triage the client has good cause, and good cause issues have been resolved, send the client back to PATH. There is no need for a new PATH referral.

Good cause includes the following:

**Client Unfit**

The client is physically or mentally unfit for the job or activity, as shown by medical evidence or other reliable information. This includes any disability-related limitations that preclude participation in a work and/or self-sufficiency-related activity. The disability-related needs or limitations may not have been identified or assessed prior to the noncompliance.

**Illness or Injury**


The client has a debilitating illness or injury, or a spouse or child's illness or injury requires in-home care by the client. BEM 233A

Additionally, Claimant asserted at hearing that her health problems precluded her from participating with PATH. Claimant was found work ready with limitations by the Medical Review team on October 16, 2014. The most recent Medical Examination Report completed by Claimant's treating physician listed no restrictions for standing/walking and sitting. Claimant's testimony regarding the severity of her health problems was not credible and not supported by the findings of the Medical Review Team or Claimant's treating physician. Therefore, Claimant is found to not have good cause; and the Department's closure of FIP benefits and imposition of FIP and FAP sanctions were proper and correct. BEM 233A

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 benefits and imposed six-month sanction for failing to comply with PATH. The six-month disqualification for Food Assistance is also proper and correct.

**DECISION AND ORDER**

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

  
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**Aaron McClintic**  
Administrative Law Judge  
for Nick Lyon, Interim  
Director  
Department of Human Services

Date Signed: **2/6/2015**

Date Mailed: **2/6/2015**

AM/jaf

**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:

