

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 15-005327
Issue No.: 1008
Case No.: ██████████
Hearing Date: May 7, 2015
County: WAYNE-DISTRICT 31
(GRANDMONT)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on May 7, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, ██████████. Participants on behalf of the Department of Health and Human Services (Department or DHHS) included ██████████ Family Independence Specialist Case Manager; and ██████████ Hearings Facilitator.

ISSUE

Whether the Department properly closed Claimant's case for Family Independence Program (FIP) benefits based on Claimant's failure to participate in employment and/or self-sufficiency related activities without good cause?

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 an ongoing recipient of FIP benefits.
2. From on or around February 9, 2015 to March 5, 2015, Claimant had several incidents in which she was unable to participate in the Partnership. Accountability. Training. Hope. (PATH) program, such as being unable to submit education/job search logs and/or attend her appointments. See Exhibit 1, p. 5. Claimant indicated her good cause reason for failure to participate in these employment and/or self-sufficiency related activities was lack of child care and her relationship with her child's father.

3. On or around March 10, 2015, Claimant had an appointment to attend the PATH program; however, she contacted the PATH program indicating she had slept in. See Exhibit 1, p. 5. The PATH program informed her that she will be placed in triage for her non-compliance. See Exhibit 1, p. 5. Claimant indicated that she did sleep in, she was running late, the PATH program as a result informed her not to come in, and child care as a good cause reason was not applicable in this incident.
4. On March 11, 2015, the Department mailed Claimant a Notice of Noncompliance scheduling Claimant for a triage appointment on March 18, 2015. Exhibit 1, pp. 10-11.
5. On March 11, 2015, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case, effective April 1, 2015, based on a failure to participate in employment and/or self-sufficiency related activities without good cause. Exhibit 1, pp. 13-14.
6. On March 18, 2015, Claimant attended her triage appointment and the Department determined no good cause for her non-compliance. See Exhibit 1, pp. 1 and 7.
7. On March 30, 2015, Claimant filed a hearing request, protesting the FIP case closure. See Exhibit 1, p. 2

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) 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-.3131.

Federal and state laws require each work eligible individual (WEI) in the FIP group to participate in PATH or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (January 2015), p. 1. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. BEM 230A, p. 1.

PATH participants will not be terminated from PATH without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A (October 2014), p. 9. 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 and must be verified. BEM 233A, p. 4. Good cause includes any of the following: employment for 40 hours/week, physically or mentally unfit, illness or injury, reasonable accommodation, no child care, no transportation, illegal activities, discrimination, unplanned event or factor, long commute or eligibility for an extended FIP period. BEM 233A, pp. 4-6.

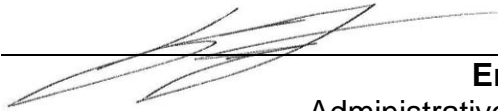
In the present case, as a condition of eligibility, all WEIs and non-WEIs must work or engage in employment and/or self-sufficiency-related activities. BEM 233A, 2. Noncompliance of applicants, recipients, or member adds means doing any of the following without good cause: failing or refusing to participate in employment and/or self-sufficiency-related activities; failing or refusing to appear and participate with PATH or employment service provider; failing or refusing to appear for a scheduled appointment or meeting related to assigned activities, etc... See BEM 233A, pp. 2-3. In this case, the evidence established that Claimant was in non-compliance with the PATH program because she failed to timely attend her PATH appointment on March 10, 2015, due to the fact that she slept in and was running late. See Exhibit 1, p. 5. This is an example of Claimant's failure to participate in employment and/or self-sufficiency-related activities. See BEM 233A, pp. 2-3.

Additionally, Claimant failed to provide any good cause reason for the non-compliance. Claimant argued that lack of child care and/or her relationship with her child's father were her good cause reasons for the other incidents in which was unable to participate in the PATH program (i.e., failure to attend appointments or submit job search logs). See Exhibit 1, p. 5. However, Claimant acknowledged that she slept in for her appointment on March 10, 2015 and child care was not a good cause reason for this incident. In fact, Claimant failed to provide any good cause reasons, other than she was running late for her appointment. A review of the policy does not find any good cause reason why Claimant could not attend her appointment on time. See BEM 233A, pp. 4-6. Because Claimant failed to provide any good cause reason for her non-compliance, this Administrative Law Judge (ALJ) finds that the Department properly closed Claimant's FIP case for a three-month minimum in accordance with Department policy. BEM 233A, p. 1.

DECISION AND ORDER

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 effective April 1, 2015.

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



Eric Feldman
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **5/8/2015**

Date Mailed: **5/8/2015**

EJF/tm

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]