



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
Christopher Seppanen  
Executive Director

MIKE ZIMMER  
DIRECTOR

[REDACTED]

Date Mailed: March 3, 2016  
MAHS Docket No.: 16-000415  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

### **HEARING DECISION**

Following Petitioner'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 February 23, 2016, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] and [REDACTED].

### **ISSUE**

Did the Department properly closed Petitioner's Family Independence Program benefits?

### **FINDINGS OF FACT**

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

1. Petitioner was a recipient of Family Independence Program benefits.
2. Petitioner was deferred from participating with PATH due to her child's health problems.
3. Petitioner began working in November 2015.
4. Petitioner stopped working in December 2015.

5. Petitioner was sent a Path Appointment Notice of December 1, 2015, with a December 8, 2015 appointment date.
6. Notice of Noncompliance was sent to Petitioner on December 21, 2015, with a December 29, 2015, triage appointment date. Petitioner was alleged to have failed to make initial contact with Michigan Works.
7. A triage meeting was held on December 29, 2015, and Petitioner was found to not have good cause.
8. FIP benefits closed effective February 1, 2016, as a result of an employment sanction.
9. Petitioner requested hearing on January 13, 2016.
10. Petitioner submitted a letter from [REDACTED] dated [REDACTED] that reads as follows: "[REDACTED] is a stay at home mom and unable to work since the birth of her daughter [REDACTED]. [REDACTED] was diagnosed with complete trisomy and ventricular septal defect. A nurse and teacher come in twice a week to see [REDACTED]. Her conditions will be life long."

### **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.

### **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 on the noncooperation screen as well as in case comments. BEM 233A p.4

### **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 p.5

In this case, Petitioner was referred back to PATH after her employment ended. Prior to beginning employment Petitioner was deferred from PATH due to her child's health problems. After Petitioner stopped working she was referred back to PATH because her deferral ended after she began employment. At the triage and at no other times prior to closure of Petitioner's FIP case did Petitioner provide verification regarding reasons for a medical deferral due to caring for her child. Petitioner asserted at hearing that she had provided a Medical Needs form within the last few months. Petitioner was given an opportunity to provide a copy of the Medical Needs form but she did not provide it. The Department had no record of the Medical Needs form. Following hearing, Petitioner provided a letter dated [REDACTED], from her child's Pediatrician. At the time of the triage meeting this letter had not been provided. At the time of the triage meeting Petitioner did not demonstrate good cause for failing to participate with PATH. Therefore the Department's closure for failing to participate with PATH was proper and correct. BAM 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

### **DECISION AND ORDER**

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

AM/las



**Aaron McClintic**

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

**NOTICE OF APPEAL:** A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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]

DHHS [REDACTED]

Petitioner [REDACTED]