



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: July 11, 2016
MAHS Docket No.: 16-007637
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 3 way telephone hearing was held on July 6, 2016, from Lansing, Michigan. The Petitioner was represented by [REDACTED]. The Petitioner testified at hearing. The Department of Health and Human Services (Department) was represented by [REDACTED] AP Worker.

ISSUE

Did the Department properly close Petitioner's FIP case and impose sanction for failing to comply with PATH 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. Petitioner was a recipient of FIP benefits.
2. Petitioner was assigned to participate with PATH.
3. On April 11, 2016, Petitioner submitted a Medical Needs form from her podiatrist deferring her from participating with PATH until May 5, 2016.
4. Petitioner was instructed to submit another Medical Needs form or return to participating with PATH on or before May 5, 2016.
5. On May 5, 2016, Petitioner failed to appear at Michigan Works.

6. Notice of Noncompliance was sent on May 9, 2016, and triage was scheduled for May 19, 2016.
7. Notice of Case Action was sent on May 9, 2016, regarding the FIP closure.
8. On May 17, 2016, Petitioner submitted a Medical Needs form that states that she is work ready with limitations and is not deferred.
9. Triage was scheduled on May 19, 2016.
10. At triage on May 19, 2016, Petitioner was found to not have a good cause and the case was processed for closure.
11. On May 27, 2016, Petitioner requested hearing disputing the closure of FIP benefits.

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.

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, unless the good cause was determined after the negative action period. BEM 233A

In this case, Petitioner was deferred from participating with PATH following her surgery until May 5, 2016. Petitioner was instructed both by [REDACTED] and by [REDACTED] from Michigan Works that she would need to submit another Medical Needs form on or before May 5, 2016, deferring her form participating with PATH or report to Michigan Works on that day. Petitioner was provided with several Medical Needs forms. When

Petitioner finally submitted a Medical Needs form on May 17, 2016, her doctor found her to be "work ready with limitations" and capable of sitting for at least 6 hours a day. Petitioner testified that she has always worked as a nanny and the duties of that job require significant physical activity. The goal of Michigan Works would have been to assist Petitioner in developing job skills that could have accommodated her limitations, Petitioner never pursued that opportunity. Petitioner did not have good cause for failing to participate with PATH. BEM 233A Petitioner testified that she was told not to return to Michigan Works, the notes provided by the Department and the testimony of Ms. Grinzel contradict that testimony.

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 Petitioner's FIP case and imposed sanction for failing to participate with PATH.

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

DHHS

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]

Authorized Hearing Rep.

[REDACTED]