



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: May 20, 2016
MAHS Docket No.: 16-004556
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 May 12, 2016, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED] Family Independence Manager.

ISSUE

Did the Department properly close Petitioner's FIP case effective March 1, 2016?

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 FIP recipient.
2. The Office of Child Support (OCS) erroneously placed Petitioner in non-cooperation status which caused his FIP case to close on or about [REDACTED]
3. Following the closure of Petitioner's FIP benefits, the OCS realized its error and removed the non-cooperation sanction from Petitioner's case.
4. The Department reinstated Petitioner's FIP benefits.

5. On [REDACTED], Petitioner was sent a PATH Appointment to attend orientation on [REDACTED].
6. Petitioner failed to attend due to work obligations.
7. On [REDACTED], the Department sent Petitioner a Notice of Noncompliance for failure to attend the PATH Appointment.
8. Also on [REDACTED] the Department sent Petitioner a Notice of Case Action which notified Petitioner that his FIP case would close effective [REDACTED] for failure to participate in employment related activities.
9. The Notice of Noncompliance set a meeting on [REDACTED] to afford Petitioner an opportunity to establish good cause.
10. Petitioner appeared for the [REDACTED] meeting; however, the Department found that Petitioner failed to establish good cause for his non-appearance at the PATH Appointment.
11. On [REDACTED] Petitioner's FIP case closed.
12. On [REDACTED], Petitioner filed a Request for Hearing disputing the Department's actions.

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.

Additionally, the Department requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. The focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate, without good cause. BEM 233A (May 2015), p. 1.

A Work Eligible Individual (WEI) and a non-WEI who fails, without good cause, to participate in employment or self-sufficiency-related activities, 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. *Id.*

In this case, the Department testified that the OCS erroneously placed a sanction on Petitioner's account, which caused his FIP benefits case to close. The Department indicated that after the error was realized, Petitioner's FIP benefits were reinstated. The Department explained that upon reinstatement, it issued a PATH Appointment Notice which required Petitioner to attend orientation on [REDACTED]. The Department stated that because Petitioner had previously completed the PATH requirements, he was not required to attend orientation following the reinstatement of his FIP benefits.

The Department advised that Petitioner missed the PATH Appointment due to work obligations. The Department testified that a meeting was held on [REDACTED] to allow Petitioner an opportunity to establish good cause for his non-appearance at the PATH Appointment. The Department indicated that Petitioner appeared and informed the workers present that he was unable to obtain the day off from work and was therefore unable to attend. The worker(s) appearing at the [REDACTED] concluded that Petitioner did not establish good cause and Petitioner's FIP benefits closed on [REDACTED].

The facts at the hearing establish that Petitioner did nothing wrong. Petitioner's problems began with a mistake by the OCS. The issues were compounded when the Department issued the incorrect PATH Notice. Additionally, it is found that Petitioner provided a reasonable and acceptable explanation during the [REDACTED] meeting and as such, good cause should have been found.

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 did not act in accordance with Department policy when it closed Petitioner's FIP benefits effective [REDACTED].

DECISION AND ORDER

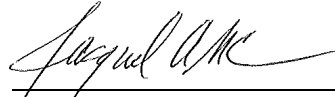
Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstatement of Petitioner's FIP benefits effective [REDACTED], ongoing;

2. Issue supplements Petitioner is entitled to receive effective [REDACTED], ongoing;
3. Remove any sanction from Petitioner's FIP case relating to failure to participate in employment related activities; and
4. Notify Petitioner in writing of its decision.

JM/hw



Jacquelyn A. McClinton
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]