



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: October 13, 2016
MAHS Docket No.: 16-012870
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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 October 11, 2016, from Lansing, Michigan. The Petitioner, [REDACTED], appeared and testified with her witness, [REDACTED]. The Department of Health and Human Services (Department) was represented by Case Manager, [REDACTED]; Family Independence Manager, [REDACTED] and Career Coach from the PATH program, [REDACTED].

PROCEDURAL HISTORY

The record closed at the conclusion of the hearing. The following exhibits were offered and admitted into evidence:

Department: A--July 11, 2016, PATH Appointment Notice.
B-- August 23, 2016, Notice of Noncompliance.
C--August 23, 2016, Notice of Case Action.
D--September 1, 2016, statement of PA Kuipers.
E-- Case Notes.

Petitioner: None.

ISSUE

Did the Department properly take action to close the Petitioner's Family Independence Program (FIP) case, due to the Petitioner's noncompliance with employment-related activities?

FINDINGS OF FACT

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

1. The Petitioner was an ongoing recipient of monthly FIP benefits in the amount of \$ [REDACTED]
2. On August 23, 2016, the Department sent the Petitioner a Notice of Noncompliance, indicating that the Petitioner was noncompliant as of August 23, 2016 as she did not participate in required activity. This notice did set an appointment for August 31, 2016 at 2 PM to afford the Petitioner an opportunity to establish good cause for her noncompliance.
3. Also on August 23, 2016, the Department sent the Petitioner a Notice of Case Action, informing her that her FIP case would close October 1, 2016.
4. On September 1, 2016, the Department received the Petitioner's PA's statement indicating that the Petitioner had been experiencing an increase in depression for the last two weeks making her activity of daily living more difficult. The Department determined there was no good cause for the Petitioner's noncompliance.
5. On September 2, 2016, the Department received the Petitioner's written hearing request protesting the closure of her FIP case.

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.

Bridges Eligibility Manual (BEM) 233A Failure to Meet Employment and/or Self-Sufficiency Related Requirements: FIP, provides guidance for administration of the Partnership, Accountability, Training, Hope (PATH) program. The policy identifies participation requirements, actions that are noncompliant, the consequences of noncompliance, and the definition of good cause for noncompliance.

Noncompliance of applicants, recipients, or member adds means doing **any** of the following **without** good cause:

Failing or refusing to:

- Appear and participate with Partnership, Accountability, Training, Hope (PATH) or other employment service provider.
- Complete a Family Automated Screening Tool (FAST), as assigned as the first step in the FSSP process.
- Develop a Family Self-Sufficiency Plan (FSSP).
- Comply with activities assigned on the FSSP.
- Provide legitimate documentation of work participation.
- Appear for a scheduled appointment or meeting related to assigned activities.
- Participate in employment and/or self-sufficiency-related activities.
- Participate in required activity.
- Accept a job referral.
- Complete a job application.
- Appear for a job interview (see the exception below).
- Stating orally or in writing a definite intent not to comply with program requirements.
- Threatening, physically abusing or otherwise behaving disruptively toward anyone conducting or participating in an employment and/or self-sufficiency-related activity.
- Refusing employment support services if the refusal prevents participation in an employment and/or self-sufficiency-related activity.

Failure to complete a FAST or FSSP results in closure due to failure to provide requested verification. Clients can reapply at any time.

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.

The Department alleged that Petitioner was noncompliant because the Petitioner did not attend PATH as assigned for the weeks on August 7, August 14 and August 23, 2016. The Petitioner does not dispute that she did not attend PATH. Petitioner asserts she had good cause because it took longer than expected to retrieve her child from California. The Petitioner testified that she had permission to go to California to retrieve her child, but the Petitioner did not contest the Department's testimony that she did not come back and participate in PATH when she said she would. The uncontested testimony was that this resulted in the Petitioner having unexcused absences.

It is not contested that the Petitioner was afforded an opportunity to establish good cause for her noncompliance. The Petitioner did submit a statement from her PA indicating that she was more depressed than usual in the last two weeks before her triage appointment. This Administrative Law Judge concludes that the Department properly determined that the statement of the Petitioner's PA does not constitute good cause for the Petitioner's unexcused absences to PATH. As such, this Administrative Law Judge concludes that the Petitioner was in noncompliance with employment-

related activities and that the Department properly determined that the Petitioner had no good cause for noncompliance.

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 took action to close the Petitioner's FIP case.

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



SH/nr

Susanne E. Harris
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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]