



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: November 10, 2016
MAHS Docket No.: 16-014171
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 October 31, 2016, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED] assistance payment worker, [REDACTED], PATH coordinator, [REDACTED] family independence manager, [REDACTED], case manager, [REDACTED], job developer, and [REDACTED], ADP case manager.

ISSUE

Did the Department properly close Petitioner's FIP benefits for failing to participate in 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. Petitioner was a recipient of FIP benefits.
2. On [REDACTED], Petitioner was placed in noncompliance with the PATH program.
3. On [REDACTED], the Department sent Petitioner a Notice of Noncompliance, which set a date for a triage to be held on [REDACTED].

4. Also on [REDACTED], the Department sent Petitioner a Notice of Case Action, which informed her that FIP benefits would close for failure to participate in employment related activities.
5. On [REDACTED], Petitioner attended the triage meeting.
6. Following the completion of the triage meeting, the Department found that Petitioner had not established good cause for her noncompliance.
7. 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, Department policy requires that clients complete the 21 day PATH AEP part of orientation which is an eligibility requirement for approval of the FIP application. PATH participants must complete all of the following in order for their FIP application to be approved:

- Begin the AEP by the last date to attend as indicated on the DHS-4785, PATH Appointment Notice.
- Complete PATH AEP requirements.
- Continue to participate in PATH after completion of the 21 day AEP. BEM 229 (October 2015), p. 1.

The Department testified that Petitioner has consistently failed to participate in PATH. On [REDACTED] Petitioner was a no call no show to an appointment. Petitioner also failed to appear on [REDACTED] and [REDACTED]. Petitioner returned the Department's call on [REDACTED] and indicated that she had not participated because she was confused about the program. Petitioner was unaware that she had to participate if she worked less than 20 hours per week. Petitioner testified that because she was unable to be scheduled one additional hour per week, she quit her employment.

A requirement of the PATH program is to complete job search log. The Department testified that Petitioner failed to complete the job search log. Petitioner acknowledged that she had not completed the logs but stated that the Department should have given the logs to her on the dates she appeared. On [REDACTED], Petitioner met with her worker and was instructed to follow up with several employers. Petitioner indicated that she had an interview. Petitioner was given appropriate clothing for the interview. Petitioner testified that she was involved in a car accident on her way to the interview and was therefore unable to appear for the interview. Petitioner did not attempt to reschedule the interview.

Petitioner was given approximately 40 bus tickets. Petitioner was in the process of becoming employed with [REDACTED] through a lead provided by the Department. The Department testified that Petitioner indicated that she had already begun work. The Department further testified that it requested specific information regarding Petitioner's employment but she refused to provide the information.

Petitioner testified that she was offered employment with [REDACTED] on [REDACTED]. According to the Case Comments, Petitioner was placed in non-compliance on [REDACTED]. At that point, Petitioner had not completed any job search logs and had not provided any information regarding possible employment.

Petitioner testified that she declined the job offer from [REDACTED] due to lack of transportation as she would not receive any additional bus tickets after being placed in noncompliance status. Petitioner stated that she takes four buses to get her children to daycare. Petitioner indicated that she had not researched any day care facilities closer to her home.

Petitioner provided many reasons at the hearing as to why she had not done what she was required to do to allow her FIP benefits to remain open. Some of the reasons offered by Petitioner were as follows: (1) she was confused about the process; (2) she had to attend a funeral; (3) she was involved in a car accident; (4) she had to take four buses; and (5) as such did not have enough bus tickets to follow up with the leads provided by the Department. At the time, Petitioner declined work with [REDACTED] [REDACTED] she was receiving FIP benefits (cash assistance) and bus tickets. Petitioner testified that she had to pay other expenses with her FIP benefits.

A client is entitled to participate in a triage meeting by telephone if in-person attendance is not possible. BEM 233A (April 2016), p. 10. The Department held a triage on September 20, 2016. The purpose of the triage is to determine whether or not Petitioner can establish good cause for non-compliance. Petitioner appeared for the triage but, according to the Department, provided vague job information. Petitioner denied that she provided vague job information. The Department produced several witness having contact with Petitioner during her time in the PATH program. Each

witness had similar testimony regarding Petitioner's failure to comply. The testimony of the Department's witnesses is found to be consistent and therefore credible.

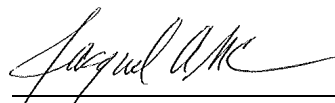
The entire purpose of the PATH program is to assist in finding employment. Through the PATH program, Petitioner found employment but declined the offer. The Department provided Petitioner with FIP benefits, job leads, appropriate clothing and bus tickets in an effort to help her become employed. As such, it is found that the Department properly placed Petitioner in noncompliance and closed her FIP benefits due to that 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 closed Petitioner's FIP benefits for failure to participate in employment related activities.

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

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]