



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 2, 2016
MAHS Docket No.: 16-014657
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 November 1, 2016, from Lansing, Michigan. The Petitioner, [REDACTED], appeared and testified. The Department of Health and Human Services (Department) was represented by Family Independence Manager, [REDACTED]; Family Independence Specialist, [REDACTED] and Career Advisor at Michigan Works, [REDACTED].

PROCEDURAL HISTORY

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

Department: A--August 17-26, 2016 Case Notes.
B--August 26, 2016, Notice of Noncompliance.
C--August 26, 2016, Notice of Case Action.
D--Bridges, Case Comments.
E-- Local office phone log.

Petitioner: None.

ISSUES

Did the Department properly close the Petitioner's Family Independence Program (FIP) for noncompliance with the Partnership, Accountability, Training, Hope (PATH) program?

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 FIP benefits. Participation in Partnership, Accountability, Training, Hope (PATH) is an eligibility requirement for the Petitioner to receive benefits under these programs.
- (2) By August 26, 2016, the Petitioner had been absent for several days from PATH. The Petitioner was sent a Notice of Non-Compliance (DHS-2444) which scheduled a triage meeting for September 6, 2016. The Petitioner was also sent a Notice of Case Action (DHS-1605) stating that the Family Independence Program (FIP) would be closed October 1, 2016.
- (3) On September 6, 2016, the Petitioner **did not** participate in the scheduled triage meeting. The Department determined there was no good cause for the Petitioner's failure to participate in employment and/or self-sufficiency related activities.
- (4) On October 5, 2016, the Petitioner submitted a request for hearing.

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 the Petitioner was noncompliant because she did not attend PATH as assigned. The Petitioner does not dispute that she did not attend PATH. The Petitioner, when asked why it was that she did not attend PATH on August 23rd, 24th and 25th of 2016 or even call PATH during that time to report her absence, asserts that her daughter had misplaced her phone. As such, this Administrative Law Judge concludes that the Department properly determined that the Petitioner had no good cause for her noncompliance with PATH.

The evidence presented at this hearing is not sufficient to establish that Petitioner had good cause for her failure to attend PATH in accordance with Department policy. The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law finds that the Department acted in accordance with Department policy when it closed the Petitioner's FIP case for noncompliance with the Partnership, Accountability, Training, Hope (PATH) program.

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**.



Susanne E. Harris

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]

[REDACTED]

Petitioner

[REDACTED]