



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

Date Mailed: November 30, 2016
MAHS Docket No.: 16-015035
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 November 9, 2016 from Lansing, Michigan. Petitioner appeared and testified. Participants on behalf of the Department of Health and Human Services (Department) included Family Independence Specialist [REDACTED] and Family Independence Program (FIP) [REDACTED]. Department Exhibit A pages 1-19 was admitted. Petitioner's Exhibit 1 pages 1-16 was admitted.

ISSUES

Did the Department properly sanction 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) Petitioner was an ongoing recipient of Family Independence Program (FIP). Participation in Partnership, Accountability, Training, Hope (PATH) is an eligibility requirement for Petitioner to receive benefits under these programs.
- (2) On September 6, 2016, Petitioner was sent a PATH Appointment Notice (DHS-4785) which required PATH attendance beginning September 19, 2016.

- (3) On September 26, 2016, Petitioner had not attended PATH. Petitioner was sent a Notice of Non-Compliance (DHS-2444) which scheduled a triage meeting for October 5, 2016. Petitioner was also sent a Notice of Case Action (DHS-1605) stating that the Family Independence Program (FIP) would be sanctioned.
- (4) On October 5, 2016, Petitioner participated in the scheduled triage meeting. The Department determined there was no good cause for Petitioner's failure to participate in employment and/or self-sufficiency related activities.
- (5) On October 7, 2016, 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 (4-1-2016), 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. Relevant sections include:

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.

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.

Good cause includes the following:

No Child Care

The client requested child care services from MDHHS, PATH, or other employment services provider prior to case closure for noncompliance and child care is needed for an eligible child, but none is appropriate, suitable, affordable and within reasonable distance of the client's home or work site.

Appropriate. The care is appropriate to the child's age, disabilities and other conditions.

Reasonable distance. The total commuting time to and from work and the child care facility does not exceed three hours per day.

Suitable provider. The provider meets applicable state and local standards. Also, unlicensed providers who are not registered/licensed by the MDHHS Bureau of Children and Adult Licensing must meet MDHHS enrollment requirements; see BEM 704.

Affordable. The child care is provided at the rate of payment or reimbursement offered by MDHHS.

The Department alleged that Petitioner was noncompliant because she did not attend PATH as assigned. Petitioner does not dispute that she did not attend PATH. Petitioner asserts she had good cause because she did not have adequate time to arrange child care for her infant son. Petitioner testified that he has "loose bowels" which cause a serious rash and she could not find anyone who would care for him.

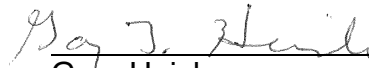
It is undisputed that Petitioner did not request child care services from MDHHS or PATH as required by BEM 233A and cited above. The evidence presented at this hearing is not sufficient to establish that Petitioner had good cause for her failure to attend PATH in accordance with Department policy.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it sanctioned Petitioner's Family Independence Program (FIP) for noncompliance with the PATH program.

DECISION AND ORDER

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

GH/nr



Gary Heisler
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]