



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: June 5, 2017
MAHS Docket No.: 17-004944
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 May 25, 2017, from Lansing, Michigan. Petitioner appeared and testified. Participants on behalf of the Department of Health and Human Services (Department) included Case Manager [REDACTED] and Family Independence Program (FIP) [REDACTED]

ISSUES

Did the Department properly sanction Petitioner's Family Independence Program (FIP) for noncompliance with her assigned Family Self-Sufficiency Plan (FSSP) 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 an ongoing recipient of Family Independence Program (FIP). Petitioner was deferred from participation in Partnership, Accountability, Training, and Hope (PATH) but was required to participate in Family Self-Sufficiency Plan (FSSP) activities in order to receive Family Independence Program (FIP) benefits.
- (2) On February 10, 2017, Petitioner completed a Family Self-Sufficiency Plan (FSSP). Petitioner signed a Family Self-Sufficiency Plan (FSSP) personal contract acknowledging her participation requirements. (Department Exhibit A pages 2 & 3)

- (3) On March 16, 2017, Petitioner's Family Self-Sufficiency Plan (FSSP) activities were changed in order to substitute library visits to a church volunteer program.
- (4) On March 24, 2017, Petitioner submitted a Weekly Activity Log (DHS-630) listing her FSSP activities for the week of March 12 – 18, 2017. Petitioner's activities were verified by a "VC Volunteer" stamp and a contact telephone number. Case Manager [REDACTED] attempted to verify Petitioner's volunteer activity but was unable to. Calls to the listed telephone number were not answered and no return call was received when she left voice mail messages.
- (5) On March 29, 2017, Petitioner was sent a Notice of Non-Compliance (DHS-2444) which scheduled a meeting about the non-compliance for April 5, 2017. Petitioner was also sent a Notice of Case Action (DHS-1605) stating that the Family Independence Program (FIP) would be sanctioned.
- (6) On April 5, 2017, Petitioner participated in the scheduled meeting. The Department determined there was no good cause for Petitioner's failure to verify her alleged FSSP activities. This is Petitioner's second noncompliance.
- (7) On April 5, 2017, 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) 230A Employment and/or Self-Sufficiency Related Activities: FIP (10-1-2015) provides that Family Independence Program (FIP) recipients that are not required to participate in PATH, are required to participate in activities to strengthen their family or improve self-sufficiency skills.

Bridges Eligibility Manual (BEM)233A Failure to Meet Employment and/or Self-Sufficiency Related Requirements: FIP (4-1-2016) identifies participation requirements,

actions that are noncompliant, the consequences of noncompliance, and the definition of good cause for noncompliance. It identifies failing or refusing to comply with activities assigned on the FSSP as noncompliance. It defines good cause as 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.

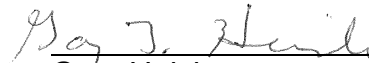
The Department alleged that Petitioner was noncompliant because she failed to verify completion of her required FSSP activities. Petitioner asserts that it is not her fault that the lady won't answer her phone or return the Department's phone calls. It is Petitioner's responsibility to verify that she is meeting her participation in the FSSP activities she agreed to. Her failure to ensure that the activities are verified, is noncompliance.

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 her assigned Family Self-Sufficiency Plan (FSSP) activities. This is Petitioner's second noncompliance.

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]

Petitioner

[REDACTED]