



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 9, 2017
MAHS Docket No.: 17-005737
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 May 31, 2017, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Hearing Facilitator and [REDACTED], Case Manager.

ISSUE

1. Did the Department properly close Petitioner's Family Independence Program (FIP) benefits effective May 1, 2017 for failure to participate in employment and/or self-sufficiency-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:

2. Petitioner was a recipient of FIP benefits.
3. In March 2017, Petitioner was discharged from employment.
4. On [REDACTED], the Department sent Petitioner a Notice of Non-Compliance which scheduled a meeting on [REDACTED] to allow Petitioner an opportunity to provide good cause for noncompliance.
5. Also on [REDACTED], the Department sent Petitioner a Notice of Case Action which notified Petitioner that her FIP benefits would close effective [REDACTED] for failure to participate in employment and/or self-sufficiency-related activities.

6. Petitioner attended the [REDACTED] meeting; however, the Department found that Petitioner failed to establish good cause for 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.

A Work Eligible Individual (WEI) and non-WEIs who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized. Depending on the case situation, penalties include the following:

- Delay in eligibility at application.
- Ineligibility (denial or termination of FIP with no minimum penalty period).
- Case closure for a minimum of three months for the first episode of noncompliance, six months for the second episode of noncompliance and lifetime closure for the third episode of noncompliance. BEM 233A (April 2016), p. 1.

In this case, Petitioner had completed the 21-day AEP and had begun employment. In March 2015, Petitioner was discharged from employment as a result of calling off from work too frequently. Petitioner testified that her call offs were medically related.

Petitioner last attended the PATH program in October 2016. Petitioner testified that it slipped her mind to return to PATH after her separation from employment as she was in the process of being evicted, looking for employment, looking for housing and looking for childcare for her son. A triage was held on [REDACTED], at which Petitioner appeared. The Department testified that because Petitioner failed to bring any medical documentation supporting the termination, it found that she failed to establish good cause for her noncompliance.

Department policy allows for a finding of good cause if there are factors that are beyond the control of the noncompliant person. Good cause includes an unplanned event or factor such as domestic violence, health or safety risk, religion, homelessness, jail or hospitalization. BEM 233A, p. 6. Petitioner provided documentation which showed that a judgment had been entered allowing for her landlord to apply for eviction or [REDACTED]. Petitioner testified that she was formally evicted in early April 2017. Given that Petitioner had medical challenges and was in the process of being evicted at the time she lost her employment, it is found that she has established good cause for her failure to return to the PATH program. As such, the Department improperly closed her FIP benefits effective [REDACTED].

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 did not act in accordance with Department policy when it closed Petitioner FIP benefits effective [REDACTED].

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Petitioner's FIP benefits effective [REDACTED];
2. Issue supplements Petitioner was eligible to receive but did not effective [REDACTED] and [REDACTED];
3. Notify Petitioner in writing of its decision.

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]

Petitioner

[REDACTED]