



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: October 16, 2017  
MAHS Docket No.: 17-010984  
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 September 25, 2017 from [REDACTED] Michigan. Participants on behalf of Petitioner included herself. Participants on behalf of the Department of Health and Human Services (Department) included Hearing Facilitator [REDACTED] [REDACTED]

**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 receiving Family Independence Program (FIP) benefits. Petitioner's Family Independence Program (FIP) benefit group consisted of: herself; her living together partner, [REDACTED] [REDACTED] one child of Petitioner and [REDACTED] [REDACTED] and another child.
- (2) Petitioner was deferred from participation in PATH. Her medical documentation for the deferral states that a "spouse" is required to be in the home 8 hours per day to aid with Petitioner's care.

- (3) On May 18, 2017, Petitioner was sent a PATH Appointment Notice (DHS-4785) which required [REDACTED] to attend PATH beginning May 25, 2017.
- (4) On June 6, 2017, [REDACTED] had not attended PATH. Petitioner was sent a Notice of Non-Compliance (DHS-2444) which scheduled a triage meeting for June 13, 2017. Petitioner was also sent a Notice of Case Action (DHS-1605) stating that the Family Independence Program (FIP) would be sanctioned beginning July 1, 2017.
- (5) On June 13, 2017, neither Petitioner nor [REDACTED] 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.
- (6) On August 15, 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) 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:

Failure to complete a FAST or FSSP results in closure due to failure to provide requested verification. Clients can reapply at any time.

• 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.

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 Petitioner was noncompliant because [REDACTED] did not attend PATH as assigned. Petitioner does not dispute that [REDACTED] did not attend PATH. Petitioner asserts she had good cause because her [REDACTED] deferral requires her to have assistance 8 hours per day and it is [REDACTED] who is providing that assistance.

The Department asserts that [REDACTED] cannot be deferred from PATH to care for Petitioner. The argument is based on the fact that [REDACTED] is not Petitioner's legal spouse and Petitioner's medical documentation states that a "spouse" is required to care for her.

Review of the Medical Needs – PATH (DHS-54-E), Department's Exhibit A pages 24 & 25, shows that the Doctor indicated someone was required in the home to provide care for Petitioner. The Doctor did not check the box indicating a "Parent" or "other" to identify the relationship of the care giver to the patient. There is no conceivable "medical" reason for the Doctor to create a specific requirement that Petitioner's care must be provided by a legal "spouse". The Department's action in this case is not based on any Department policy or logical reason.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it

sanctioned Petitioner's Family Independence Program (FIP) for noncompliance with the Partnership, Accountability, Training, Hope (PATH) program.

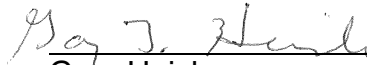
**DECISION AND ORDER**

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 Family Independence Program (FIP) and process the case in accordance with Department policy.

GH/nr



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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]

**Petitioner**

[REDACTED]