



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: November 3, 2017
MAHS Docket No.: 17-010337
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, telephone hearing was held on October 30, 2017, from [REDACTED] Michigan. The Petitioner was represented by her father [REDACTED] and Petitioner testified on her own behalf. [REDACTED] a Department employee. The Department was represented by [REDACTED] Hearing Facilitator.

ISSUE

Did the Department of Health and Human Services (Department) properly sanction Petitioner's Refugee Cash Assistance (RCA) and Food Assistance Program (FAP) benefits?

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 a Refugee Cash Assistance (RCA) and Food Assistance Program (FAP) recipient.
2. On June 1, 2017, Petitioner was told that she could not accept employment as an adult home care provider for her parents because they have not been approved for Supplemental Security Income (SSI) benefits. Exhibit A, p 13.
3. On June 6, 2017, Petitioner declined a referral for an employment opportunity. Exhibit A, p 13.
4. On July 11, 2017, Petitioner declined a referral for an employment opportunity. Exhibit A, p 13.

5. On July 13, 2017, the Department notified Petitioner that it found her to be noncompliant with required work-related activities. Exhibit A, pp 10-11.
6. A triage meeting was held on July 19, 2017, where Petitioner was given the opportunity to establish good cause for her noncompliance with required work-related activities. Exhibit A, p 10.
7. On July 13, 2017, the Department notified Petitioner that her Refugee Cash Assistance (RCA) and Food Assistance Program (FAP) benefits would close due to a work-related sanction. Exhibit A, pp 5-9.
8. On July 20, 2017, the Department received Petitioner's request for a hearing protesting the sanction on her Refugee Cash Assistance (RCA) and Food Assistance Program (FAP) benefits. Exhibit A, p 2.

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 Refugee Cash Assistance Program (RCA) was established pursuant to the Federal Refugee Act of 1980, P.L. 104-193, and 8 USC Sec 1522 (a)(9), (e), and Note (Sec. 501). The Department (formerly known as the Department of Human Services) administers RCA pursuant to 45 CFR 400, 45 CFR 401, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3601-.3631.

The Refugee Cash Assistance program (RCA) is temporary cash assistance to support an individual's or a family's movement to self-sufficiency. The recipients of RCA engage in employment and self-sufficiency related activities so they can become self-supporting. Federal and state laws require each mandatory participant in the RCA group to participate in the employment-related activities provided through a refugee contractor unless temporarily deferred. The DHS-1171, Assistance Application Information Booklet, provides each applicant with information about the participation requirements for RCA. Department of Health and Human Services Bridges Eligibility Manual (BEM) 230C (April 1, 2017), p 1.

As a condition of eligibility, eligible group members who are mandatory participants cannot refuse suitable employment up to 40 hours per week. Refusing suitable employment includes failing or refusing to appear for a job interview. Department of Health and Human Services Bridges Eligibility Manual (BEM) 233C (April 1, 2017), p 3.

A mandatory participant who refuses employment is disqualified from the eligible group. The Department will disqualify a mandatory participant who fails without good cause to meet employment requirements by removing the person from the eligible group. For the

first failure, a minimum of three months, after which the person must participate to regain eligibility. BEM 233C, p 7.

Petitioner was an ongoing RCA and FAP recipient. The Department referred Petitioner for employment as required by BEM 230C as a condition of continued eligibility for cash and food assistance.

On July 13, 2017, the Department notified Petitioner that it found her to be noncompliant with required work-related activities. Petitioner had not started employment and failed to accept the Department's referral for employment opportunities.

Petitioner denies refusing an offer of employment but the evidence supports a finding that Petitioner declined the Departments referral for an employment opportunity. By failing to act on the referral for an employment opportunity, Petitioner's conduct fits the definition of refusing employment as defined by BEM 233C.

On July 19, 2017, a triage meeting was held where Petitioner was given the opportunity to establish good cause for her refusal to accept employment. Petitioner attended the meeting where she denied refusing employment. Petitioner did not present any evidence of good cause for her refusal of an employment opportunity. On July 13, 2017, the Department notified Petitioner's RCA and FAP benefits would close due to her refusal of employment as a group of one.

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 Refugee Cash Assistance (RCA) and Food Assistance Program (FAP) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
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]