



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: November 30, 2017  
MAHS Docket No.: 17-009906  
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; 42 CFR 438.400 to 438.424; 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 [REDACTED], from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Specialist.

**ISSUE**

Did the Department properly close Petitioner's Family Independence Program (FIP) 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 recipient of FIP benefits.
2. While receiving FIP benefits, Petitioner was required to participate in employment related activities such as maintaining employment.
3. On or about [REDACTED] Petitioner was terminated from her employment.
4. On [REDACTED] the Department was notified of Petitioner's termination.
5. On [REDACTED] the Department sent Petitioner a Notice of Noncompliance and a Notice of Case Action.

6. The Notice of Noncompliance scheduled a meeting for [REDACTED] to allow Petitioner an opportunity to establish good cause for the termination.
7. Petitioner failed to appear for the [REDACTED] meeting.
8. The Department found that Petitioner failed to establish good cause, assessed a six-month sanction and closed Petitioner's FIP benefits effective [REDACTED].
9. 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, a Work Eligible Individual (WEI) and a non-WEI 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. *Id.*

In this case, Petitioner was terminated from work for excessive absences. On May 22, 2017, the Department received documentation from Petitioner's former employer indicating that she had been terminated as a result of 12 absences in a rolling six-month period.

Under Department policy, refusing suitable employment can constitute noncompliance. Specifically, refusing suitable employment means doing **any** of the following:

- Voluntarily reducing hours or otherwise reducing earnings;
- Quitting a job; or
- Firing for misconduct or absenteeism (not for incompetence).

The Department testified that once it received the documentation, it sent Petitioner a Notice of Noncompliance scheduling a meeting to afford Petitioner an opportunity to establish good cause for termination. Petitioner failed to appear at the hearing. The Department acknowledged that Petitioner called on [REDACTED] to explain that she did not appear because her son had a medical procedure on that day. The Department further testified that the documentation of the medical procedure provided by Petitioner clearly contained an altered date. The original date had been altered to reflect [REDACTED]

A review of the document, clearly reflected that the date had been altered. Petitioner denied that she altered the date and stated that the father of her child submitted the documentation. The date appeared to have been altered from [REDACTED]. When asked the date of the procedure, Petitioner stated that she believed the procedure occurred on [REDACTED]. Petitioner was allowed an opportunity to provide an unaltered copy of the medical documents. Petitioner provided the unaltered copy of the documents which revealed that her son's medical procedure was on [REDACTED] and not [REDACTED]. Petitioner's testimony is found to lack credibility given that an altered document was submitted to the Department and that she stated under oath that she believed her son's medical procedure was [REDACTED] when it was actually [REDACTED]. Further, given that the procedure was [REDACTED], Petitioner was dishonest with the Department when she called on [REDACTED] to state that her son had a medical procedure on that day.

The Department is required to provide Petitioner with an opportunity to establish good cause for the termination. Petitioner was afforded that opportunity but failed to appear. Given that the excuse for missing the [REDACTED] was supported by altered documentation, it is found that Petitioner failed to establish good cause for the termination.

At the hearing, Petitioner testified that she missed work as a result of a medical emergency and because she was involved in a Child Protective Services case. Because she failed to appear at the [REDACTED] meeting without a documented valid reason, she also failed to provide documentation supporting the reasons for her excessive absenteeism.

The decision in this matter is based upon the information the Department had at the time it made the decision to terminate Petitioner's FIP benefits. It is therefore found that based upon the information the Department had, following the [REDACTED] meeting in which Petitioner failed to attend, it properly closed Petitioner's FIP benefits effective [REDACTED]. Further, the Department testified that the sanction imposed in this matter was Petitioner's second sanction. Petitioner had no recollection of the first sanction. During the hearing, the Department accessed its computer system and confirmed that the first sanction occurred in 2012. As such, it is found that the Department established that Petitioner was subject to a second sanction which lasts for a period of six months.

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 closed Petitioner's FIP benefits effective July 1, 2017 and imposed a six-month sanction.

**DECISION AND ORDER**

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

JAM/tlf



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**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

**Via Email:**

[REDACTED]

**Petitioner – Via First-Class Mail:**

[REDACTED]