



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: June 6, 2018
MAHS Docket No.: 18-003810
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 June 4, 2018, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Jennifer Cole, Eligibility Specialist.

ISSUE

Did the Department properly deny Family Independence Program (FIP) coverage to Petitioner based upon the Partnership. Accountability. Training. Hope. (PATH) program noncompliance?

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 received FIP benefits from September 2017 through February 2018 as she is the legal guardian of her biological sister.
2. On February 28, 2018, the Department issued a PATH appointment notice to Petitioner for an appointment dated Monday, March 12, 2018, at 9:00 AM at the Midwest Careers Institute located at [REDACTED], [REDACTED], [REDACTED] MI [REDACTED]

3. On March 19, 2018, the Department issued a Notice of Noncompliance for failure to make her initial contact with the Michigan Works! Agency (MWA) and scheduled a triage appointment for Petitioner on March 26, 2018, at 1:30 PM.
4. On the same day, the Department issued a Notice of Case Action notifying Petitioner she was ineligible for FIP benefits effective April 1, 2018, for failure to participate in employment and/or self-sufficiency-related PATH activities.
5. On April 10, 2018, the Department received Petitioner's request for hearing disputing the closure of her FIP case indicating she has good cause for her failure to appear for the PATH appointment.

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.

In this case, Petitioner's FIP case was closed effective April 1, 2018, for failure to participate in the PATH program. Petitioner contends that there was an inability to communicate with her case worker and her case worker's supervisor during this process. For the PATH appointment relevant to this case, Petitioner's car had broken down. Petitioner attempted to contact her case worker, her case worker's supervisor, and her case worker's supervisor's manager the day before her appointment, the day of the appointment, and the day after the appointment, but was unable to reach anyone. Petitioner has had so many problems with communicating with PATH staff and her case worker that she filed a grievance against the PATH office in November 2017.

The FIP is a temporary cash assistance program to support a family's movement toward self-sufficiency. BEM 230A (January 2018), p. 1. Federal and state laws require each work-eligible individual in the FIP group to participate in PATH or engage in activities that meet participation requirements. *Id.* A work-eligible individual who refuses, without good cause, to participate in an assigned employment and/or other self-sufficiency-related activities is subject to penalties. *Id.* Good cause for noncompliance may be established when a client has 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. BEM 233A (April 2016), p. 4. If a work-eligible individual is in

noncompliance while the application is pending, the group is ineligible for benefits. BEM 233A, p. 7. Good cause for noncompliance is a valid reason based upon factors beyond the control of the noncompliant person. BEM 233A, p. 4. It includes employment greater than 40 hours, the client being physically or mentally unfit, illness or injury, failure to provide reasonable accommodation, no child care, no transportation, discrimination, employment involving illegal activities, an unplanned event or factor such as a hospitalization, comparable work, or finally, a long commute. BEM 233A, pp. 4-6.

In this case, Petitioner credibly testified regarding her car troubles as well as her inability to communicate with PATH office and Department staff regarding her circumstances. A lack of transportation is good cause for failure to attend PATH appointments. Therefore, Petitioner has established good cause for her 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 did not act in accordance with Department policy when it closed Petitioner's FIP case for PATH noncompliance.

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 FIP benefits from April 1, 2018, ongoing,
2. Remove the FIP penalty;
3. If Petitioner remains eligible for FIP benefits, issue supplements to Petitioner or on her behalf for benefits not previously issued beginning April 1, 2018, ongoing; and
4. Notify Petitioner in writing of its decision.



AM/

Amanda M. T. Marler
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) 763-0155; 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

Deborah Little
MDHHS-Wayne-49-Hearings

Petitioner

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