



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: July 11, 2018  
MAHS Docket No.: 17-017151  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris**

**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 July 9, 2018, from Detroit, Michigan. The Petitioner was represented by himself. An translator, [REDACTED], also appeared as a translator for Arabic. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

**ISSUE**

Did the Department properly close and sanction the Petitioner's Family Independence Program, FIP Cash Assistance case for failure to participate in the Path program without good cause?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Petitioner applied for FIP cash assistance and was deferred for Disability Determination Review (DDS) of his claim that he was disabled and should be deferred from attending Path.
2. The DDS denied the Petitioner's request for deferral on or about August 9, 2017. Exhibit A
3. The Department sent a Quick Note to Petitioner on October 13, 2017 advising the Petitioner that the Deferral request was denied and that both

Petitioner and his wife were required to attend Path activities and that failure to attend Path can result in possible cash case closure. Exhibit B

4. The Department sent the Petitioner a Path Appointment Notice on October 13, 2017 scheduling an appointment for October 24, 2017 at 12:30p.m. Exhibit C
5. A Notice of Noncompliance was sent to the Petitioner on November 1, 2017 scheduling a triage for November 9, 2017 at 9:00a.m. Exhibit D
6. The Department sent a Notice of Case Action to Petitioner on November 1, 2017 closing the Petitioner FIP Cash Assistance due to Petitioner's failure to participate in employment and/or self-sufficiency related activities. Exhibit E. The Department also imposed a first sanction of 3 months due to failure to participate without good cause.
7. The Petitioner requested a timely hearing on November 21, 2017 protesting the Department's actions closing his FIP cash assistance and sanction for 3 months.

### **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, the Department closed the Petitioner's FIP cash assistance case and imposed a 3 month sanction after a triage held on March 9, 2017 at which time it was determined the Petitioner had not demonstrated good cause for nonattendance at the Path program. At the hearing, the Department also testified that Petitioner's wife did not attend the orientation but the case closed due to the Petitioner's noncompliance with Path program requirements without good cause. The Petitioner had previously requested a deferral due to his having an amputated leg requiring that he wear a prosthesis. The DDS reviewed the medical records presented and found that Respondent was capable of sedentary work and was work ready with no limitations and denied the Petitioner's requested

deferral on or about August 9, 2017. Thereafter, the Petitioner was sent a Path Appointment Notice for October 24, 2017 at which time he may have appeared but did not stay and did not attend thereafter. Case Notes prepared by the Department indicate that a triage was held as scheduled and the Petitioner attended but did not provide good cause why he did not attend. At the hearing conducted in this matter, the Petitioner testified that he could not recall the triage and that he thought his wife was sick at the time of her Path appointment and was having surgery. No information or medical documents were presented by Petitioner to demonstrate that his wife was ill or that she had surgery. The Petitioner also testified that his children would cry if they were sent to day care. It was explained to the Petitioner that his wife must attend Path and the children must attend daycare so that his wife could attend Path in order to be eligible for FIP cash assistance. It was also explained to the Petitioner that he was required to attend Path once the DDS denied his deferral request and found he was not disabled. BEM 230A, (July 2018) pp. 12-14.

At the triage, the Petitioner was required to demonstrate good cause for his failure to attend the Path program. Department policy provides the following with respect to noncompliance with Path program requirements and good cause for noncompliance:

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.

Good cause includes the following:

The person is working at least 40 hours per week on average and earning at least state minimum wage.

#### **Client Unfit**

The client is physically or mentally unfit for the job or activity, as shown by medical evidence or other reliable information. This includes any disability-related limitations that preclude participation in a work and/or self-sufficiency-related activity. **The disability-related needs or limitations may not have been identified or assessed prior to the noncompliance.**

#### **Illness or Injury**

The client has a debilitating illness or injury, or a spouse or child's illness or injury requires in-home care by the client.

#### **Reasonable Accommodation**

The MDHHS, employment services provider, contractor, agency, or employer failed to make reasonable accommodations for the client's disability or the client's needs related to the disability.

### **No Child Care**

The client requested child care services from MDHHS, PATH, or other employment services provider prior to case closure for noncompliance and child care is needed for an eligible child, but none is appropriate, suitable, affordable and within reasonable distance of the client's home or work site.

**Appropriate.** The care is appropriate to the child's age, disabilities and other conditions.

**Reasonable distance.** The total commuting time to and from work and the child care facility does not exceed three hours per day.

**Suitable provider.** The provider meets applicable state and local standards. Also, unlicensed providers who are not registered/licensed by the MDHHS Bureau of Children and Adult Licensing must meet MDHHS enrollment requirements; see BEM 704.

• **Affordable.** The child care is provided at the rate of payment or reimbursement offered by MDHHS.

### **No Transportation**

The client requested transportation services from MDHHS, PATH, or other employment services provider prior to case closure and reasonably priced transportation is not available to the client.

### **Illegal Activities**

The employment involves illegal activities.

### **Discrimination**

The client experiences discrimination on the basis of age, race, disability, gender, color, national origin or religious beliefs.

### **Unplanned Event or Factor**

Credible information indicates an unplanned event or factor which likely prevents or significantly interferes with employment and/or self-sufficiency-related activities. Unplanned events or factors include, but are not limited to, the following:

- Domestic violence.
- Health or safety risk.
- Religion.
- Homelessness.
- Jail.
- Hospitalization.

**Comparable Work**

The client quits to assume employment comparable in salary and hours. The new hiring must occur before the quit.

**Long Commute**

Total commuting time exceeds:

- Two hours per day, not including time to and from child care facilities **or**
  
- Three hours per day, including time to and from child care facilities. BEM 233A (July 2018), pp. 5-7

At the hearing the Petitioner presented no reason that would have excused his failure to participate and attend Path and thus it is determined that the Department properly determined that good cause was not demonstrated at the triage.

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 the Petitioner FIP cash assistance for failure to participate in the Path program without good cause.

**DECISION AND ORDER**

Accordingly, the Department's decision is

**AFFIRMED.**



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**Lynn M. Ferris**  
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**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**CC:** [REDACTED]  
[REDACTED]