



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: August 3, 2018
MAHS Docket No.: 18-005797
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 25, 2018, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], hearing facilitator. [REDACTED] Partnership-Accountability-Training-Hope (PATH) case worker (hereinafter "CW"), testified on behalf of MDHHS.

ISSUE

The issue is whether MDHHS properly terminated Petitioner's Family Independence Program (FIP) eligibility.

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 FIP and Food Assistance Program (FAP) benefits.
2. Petitioner was an ongoing PATH participant. In lieu of PATH attendance, Petitioner performed ongoing employment.
3. On March 6, 2018, CW called client Petitioner for the purpose of verifying Petitioner's ongoing employment. Petitioner's phone number was not working.

CW mailed Petitioner a letter requesting Petitioner's two most recent pay stubs. (Exhibit A, p. 1)

4. On March 14, 2018, Petitioner failed to appear for an appointment with CW. (Exhibit A, p. 1)
5. On April 12, 2018, CW attempted to call Petitioner and was again unsuccessful. CW emailed and mailed Petitioner a request for recent pay stubs. (Exhibit A, p. 1)
6. On May 1, 2018, CW again called Petitioner but Petitioner's phone number was not in service. CW documentation stated that Petitioner was missing a pay stub (see Exhibit A, p. 1). Based on Petitioner's missing pay information, CW deemed Petitioner to be noncompliant. (Exhibit A, p. 1)
7. On May 4, 2018, MDHHS mailed Petitioner a Notice of Noncompliance informing Petitioner that she was non-compliant with PATH for a second time. A triage appointment was scheduled for May 16, 2018. (Exhibit A, pp. 3-4)
8. On May 4, 2018, MDHHS initiated termination of Petitioner's FIP eligibility, effective June 2018, due to Petitioner's PATH non-compliance. (Exhibit A, pp. 5-8)
9. On May 16, 2018, a triage was held and Petitioner failed to attend. (Exhibit A, p. 1 and 9)
10. On May 30, 2018, Petitioner requested a hearing to dispute the termination of FIP benefits and FAP benefits.
11. During the administrative hearing, Petitioner withdrew her dispute concerning FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing, in part, to dispute a termination of FAP benefits. During the hearing, Petitioner realized that MDHHS took no action her FAP eligibility and withdrew her dispute concerning FAP benefits. MDHHS had no objections to

Petitioner's withdrawal. Based on Petitioner's withdrawal, Petitioner's hearing request concerning her FAP benefit dispute will be dismissed.

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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner also requested a hearing to dispute a termination of FIP benefits. MDHHS presented a Notice of Case Action (Exhibit A, pp. 5-8) dated May 4, 2018. The notice informed Petitioner of a FIP termination due to Petitioner's failure to participate with employment-related activities. Specifically, MDHHS alleged that Petitioner failed to verify her employment with PATH.

Federal and state laws require each work eligible individual (WEI) in the FIP group to participate in PATH or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. PATH is administered by the Workforce Development Agency, State of Michigan through the Michigan one-stop service centers. PATH serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. BEM 230A (January 2018), p. 1.

As a condition of eligibility, all WEIs and non-WEIs must work or engage in employment and/or self-sufficiency-related activities. BEM 233A (April 2016), p. 2. Failing to provide legitimate documentation of work participation without good cause is noncompliance. *Id.*, p.

A Work Eligible Individual (WEI) and non-WEIs (except ineligible grantees, clients deferred for lack of child care, and disqualified aliens), who fail, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized. *Id.*, p. 1. 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 period depending on the number of previous non-compliance penalties. *Id.*

Testimony and documentation from Petitioner's CM established that numerous requests were made to contact client about submitting employment income information. Though the CM's attempts to contact by telephone were unsuccessful, email and traditional mail methods were alternatively used. Petitioner testified that she was unable to receive mail for a period because did not have access to a locked mailbox, though Petitioner acknowledged she received email correspondence from CM. The evidence sufficiently

established that Petitioner received notice of her CM's request to provide income information.

Petitioner's CM testified that despite numerous requests for Petitioner's income information, Petitioner never returned the requested information. Petitioner testimony acknowledged that she did not submit requested income information to PATH. Given the evidence, Petitioner was properly found by MDHHS to be noncompliant with employment-related activities.

PATH participants will not be terminated from PATH without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. *Id.*, p. 9. MDHHS is to determine good cause during triage and prior to the negative action effective date. p. 12.

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. *Id.*, p. 4. Good cause includes any of the following: employment for 40 hours/week, physically or mentally unfit, illness or injury, reasonable accommodation, no child care, no transportation, illegal activities, discrimination, unplanned event or factor, long commute or eligibility for an extended FIP period. *Id.*, pp. 4-7. Good cause must be verified and provided prior to the end of the negative action period and can be based on information already on file with the DHS or PATH. *Id.*, p. 10. If the client establishes good cause within the negative action period, MDHHS is to reinstate benefits. *Id.*, p. 13.

Petitioner testified that she attempted to verify her employment information but was unable to access a necessary app due to obstacles from her employer. Petitioner also testified that an inability to access her mailbox contributed to delays in responding to PATH's requests.

The evidence supported finding that Petitioner did not inform PATH or MDHHS before the triage or negative action date of her difficulties in obtaining employment information. Such a finding is consistent with Petitioner's failure to attend the triage appointment scheduled for May 16, 2018. Petitioner also provided no verification or corroboration for her claimed good cause.

Given the evidence, Petitioner did not have good cause for failing to provide PATH with requested employment information. Thus, MDHHS properly terminated Petitioner's FIP eligibility. As this was Petitioner's second time being non-compliant (see BEM 233A), a disqualification period of six months was proper.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that Petitioner withdrew her dispute concerning a termination of FAP benefits beginning June 2018. Petitioner's hearing request is **PARTIALLY DISMISSED**.

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's FIP eligibility following Petitioner's second employment-related activity non-compliance which justified imposing a six month disqualification. The actions taken by MDHHS are **AFFIRMED**.

CG/tm



Christian Gardocki

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]
[REDACTED]