



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: November 5, 2018  
MAHS Docket No.: 18-010233  
Agency No.: [REDACTED]  
Petitioner: [REDACTED] [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Jeffrey Kemm

**HEARING DECISION**

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 45 CFR 205.10, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on November 1, 2018, from Lansing, Michigan. [REDACTED] [REDACTED] Petitioner, appeared with her son, [REDACTED] [REDACTED] who provided interpretation for Petitioner. Stephanie Laster-Williams, PATH Coordinator, and Gaith Baban, Triage Specialist, appeared on behalf of the Department.

One exhibit was admitted into evidence during the hearing. A 24-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

**ISSUE**

Did the Department properly close Petitioner's Family Independence Program (FIP) assistance?

**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 applied for FIP assistance from the Department and asserted that she was unable to work due to a physical disability.
2. The Department's Disability Determination Service (DDS) reviewed Petitioner's medical evidence for disability, and it determined that Petitioner did not have a disability that would prevent her from working.

3. On August 6, 2018, the Department sent a PATH Appointment Notice to Petitioner to notify her that she was scheduled for an appointment at 12:30 PM on August 14, 2018.
4. On August 14, 2018, Petitioner appeared for her scheduled PATH Appointment.
5. On September 26, 2018, the Department sent a Notice of Non-Compliance to Petitioner to notify her that she failed to participate in required employment or self-sufficiency activities as required by the Department. The Department notified Petitioner that she was scheduled for an appointment at 9:00 AM on October 2, 2018. The Department also sent a Notice of Case Action which notified Petitioner that her FIP case closed for her failure to participate.
6. On October 2, 2018, Petitioner appeared for her appointment and advised the Department that she was disabled and could not work. Petitioner presented a note from a medical professional which supported her assertion. The Department determined that Petitioner did not have good cause for her failure to participate because DDS had already determined Petitioner did not have a disability and Petitioner's condition had not changed since then. Petitioner filed a hearing request to dispute the Department's decision.

### **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.

Each FIP participant must participate in PATH or other employment related activity. BEM 230A (July 1, 2018), p. 1. An individual who fails without good cause to participate must be penalized. BEM 233A (July 1, 2018), p. 1. 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 individual. BEM 233A, p. 4.

The Department properly determined that Petitioner did not have good cause for failing to participate in employment or self-sufficiency activities. Petitioner asserted that she had good cause because she was physically disabled, but the Department had reviewed Petitioner's disability and determined that she was still able to work. Petitioner did not present any evidence to establish that her alleged disability had worsened since the date the Department had determined that Petitioner was able to work.

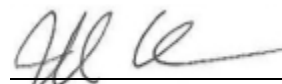
The Department properly closed Petitioner's FIP case because Petitioner failed to participate in employment or self-sufficiency activities as required by the Department. The penalty for non-compliance without good cause is FIP closure. BEM 233A, p. 8. For the first occurrence, FIP must be closed for no less than three months. BEM 233A, p. 8.

### **DECISION AND ORDER**

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 act in accordance with its policies and the applicable law when it issued its September 26, 2018, Notice of Case Action which closed Petitioner's FIP case.

IT IS ORDERED the Department's decision is **AFFIRMED**.

JK/nr



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Jeffrey Kemm  
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**

Susan Noel  
26355 Michigan Ave.  
Inkster, MI  
48141

Wayne 19 County DHHS- via electronic  
mail

BSC4- via electronic mail

G. Vail- via electronic mail

B. Cabanaw- via electronic mail

H. Norfleet- via electronic mail

D. Sweeney- via electronic mail

**Petitioner**

[REDACTED]  
[REDACTED]  
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[REDACTED]