



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: September 18, 2017
MAHS Docket No.: 17-010191
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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; 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 September 14, 2017, from Lansing, Michigan. Participants on behalf of Petitioner included herself and her mother [REDACTED]. Participants on behalf of the Department of Health and Human Services (Department) included Family Independence Specialist Joanna Strom and Family Independence Manager Donna Rojas.

ISSUES

Did the Department properly sanction Petitioner's Family Independence Program (FIP) for noncompliance with the Partnership, Accountability, Training, Hope (PATH) program?

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 Family Independence Program (FIP) benefits. Petitioner was deferred from participation in Partnership, Accountability, Training, Hope (PATH) as an eligibility requirement for Petitioner to receive benefits under these programs.
- (2) On June 5, 2017, Petitioner's medically verified deferral from PATH participation expired.

- (3) On July 1, 2017, Petitioner was sent a PATH Appointment Notice (DHS-4785) which directed her to attend beginning July 10, 2017.
- (4) On July 10, 2017, Petitioner spoke with her case worker, FIS Strom and was told she had until July 17, 2017 to attend PATH.
- (5) On July 17, 2017, Petitioner appeared at PATH but did not stay and complete her attendance requirements.
- (6) On July 19, 2017, Petitioner was sent a Notice of Non-Compliance (DHS-2444). The notice stated this was Petitioner's 2nd noncompliance and that her Family Independence Program (FIP) would be sanctioned for a minimum of 6 months. The notice also scheduled a triage meeting for July 26, 2017. Petitioner was also sent a Notice of Case Action (DHS-1605) stating that the Family Independence Program (FIP) would be sanctioned.
- (7) On July 26, 2017, Petitioner did not participate in the scheduled triage meeting. The Department determined there was no good cause for Petitioner's failure to participate in employment and/or self-sufficiency related activities.
- (8) On July 26, 2017, Petitioner submitted a request for hearing.

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.

Bridges Eligibility Manual (BEM) 233A Failure To Meet Employment and/or Self-Sufficiency Related Requirements: FIP, provides guidance for administration of the Partnership, Accountability, Training, Hope (PATH) program. The policy identifies participation requirements, actions that are noncompliant, the consequences of noncompliance, and the definition of good cause for noncompliance.

Noncompliance of applicants, recipients, or member adds means doing **any** of the following **without** good cause:

Failure to complete a FAST or FSSP results in closure due to failure to

provide requested verification. Clients can reapply at any time.

- Failing or refusing to:
 - Appear and participate with Partnership, Accountability, Training, Hope (PATH) or other employment service provider.
 - Complete a Family Automated Screening Tool (FAST), as assigned as the first step in the FSSP process.
 - Develop a Family Self-Sufficiency Plan (FSSP).
 - Comply with activities assigned on the FSSP.
 - Provide legitimate documentation of work participation.
 - Appear for a scheduled appointment or meeting related to assigned activities.
 - Participate in employment and/or self-sufficiency-related activities.
 - Participate in required activity.
 - Accept a job referral.
 - Complete a job application.
 - Appear for a job interview (see the exception below).
- Stating orally or in writing a definite intent not to comply with program requirements.
- Threatening, physically abusing or otherwise behaving disruptively toward anyone conducting or participating in an employment and/or self-sufficiency-related activity.
- Refusing employment support services if the refusal prevents participation in an employment and/or self-sufficiency-related activity.

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.

The Department alleged that Petitioner was noncompliant because she did not attend PATH as assigned. Petitioner does not dispute that she did not attend PATH. Petitioner asserts she had good cause because she cannot work, and could not stay at the PATH program because she could not control her behavior and probably would have been arrested. BEM 233A, cited above, specifically states that a claim of good cause must be verified and documented. Petitioner has not submitted any medical verification of her inability to participate in PATH. Petitioner asserts that she was unable to get medical verification from her current doctors so she had to go back to a previous Doctor. Petitioner testified that the previous Doctor would not provide medical verification of her inability to work without seeing her first and she was not able to get an appointment until August 1, 2017.

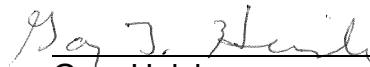
The evidence presented at this hearing is not sufficient to establish that Petitioner had good cause for her failure to attend PATH in accordance with Department policy. The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in

accordance with Department policy when it sanctioned Petitioner's Family Independence Program (FIP) for noncompliance with the Partnership, Accountability, Training, Hope (PATH) program.

DECISION AND ORDER

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

GH/nr



Gary Heisler
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

DHHS

Theresa Ergang
121 Franklin SE
Grand Rapids, MI
49507

Kent County DHHS- via electronic mail

BSC3- via electronic mail

H. Norfleet- via electronic mail

D. Sweeney- via electronic mail

Petitioner

