



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: November 8, 2017  
MAHS Docket No.: 17-012764  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

**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 October 31, 2017, from Lansing, Michigan. Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Patricia Daniel, Hearing Facilitator. Adam Slate, Hearing Facilitator, also appeared for the Department. Nicole Watkins and Jennifer Hendrickson from Michigan Works also appeared and testified. Department Exhibit 1, pp. 1-56 was received and admitted.

**ISSUE**

Did the Department properly close Petitioner's Family Independence Program (FIP) benefits for failing to participate with PATH?

**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 a recipient of FIP benefits.
2. On November 10, 2016, Petitioner signed a PATH Participation Plan. (Ex. 1, p.40)
3. On August 30, 2017, Petitioner was given an assignment to choose a new community service site by September 8, 2017.

4. On September 15, 2017, Petitioner attended a reengagement appointment where he was presented with a reengagement agreement that he refused to sign.
5. On September 15, 2017, a Triage Meeting Notice was issued. (Ex. 1, p.37)
6. On September 15, 2017, Notice of Noncompliance was issued scheduling a triage meeting for September 21, 2017. (Ex.1, p.50-51)
7. On September 21, 2017, Petitioner requested hearing contesting the closure of FIP.

### **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.

### **NONCOMPLIANCE WITH EMPLOYMENT AND/OR SELF-SUFFICIENCY- RELATED ACTIVITIES**

As a condition of eligibility, all WEIs and non-WEIs must work or engage in employment and/or self-sufficiency-related activities. Noncompliance of applicants, recipients, or member adds means doing any of the following without good cause:

- 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 Family Self-Sufficiency Plan (FSSP) process.

**Note:** The specialist should clear any alerts in Bridges relating to rejected PATH referrals as well

as any FAST confirmation information the client has obtained before considering a client noncompliant.

- Develop a FSSP.

**Note:** A FSSP completion appointment with the client must have been scheduled and the client failed to attend before considering a client noncompliant for FSSP completion.

- 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.

Exception: Do not apply the three month, six month or lifetime penalty to ineligible caretakers, clients deferred for lack of child care and disqualified aliens. Failure to complete a FAST or FSSP results in closure due to failure to provide requested verification. Clients can reapply at any time. BEM 233A (April 2016)

In this case, Petitioner failed to find a new community service volunteer opportunity before September 8, 2017, as assigned to him. Petitioner also failed to sign the reengagement agreement presented to him on September 15, 2017.

Petitioner questioned why he would be required to find a new community service volunteer opportunity and questioned why this requirement was not specifically stated in written policy. The Department has broad discretion to assign activity in an effort to allow participants to gain skills and experience that will lead to gainful employment. The Department's explanation that they require participants to switch volunteer activity every 6 months in an effort to acquire new skills and experiences is consistent with the overall goals of the PATH program and is within their discretion to assign activity. BEM 233A

Petitioner's failure to obtain a new volunteer activity and refusal to sign the reengagement letter was noncompliant with PATH rules and it was proper and correct to close Petitioner's FIP benefits on this basis. BEM 233A Petitioner failed to present good cause for his failure to participate with PATH.

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 Petitioner's FIP benefits for failing to participate with PATH.

### **DECISION AND ORDER**

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

AM/md



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**Aaron McClintic**

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**

Renee Olian  
322 Stockbridge  
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G. Vail via electronic mail

D. Sweeney via electronic mail

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**Petitioner**

