



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

MARLON BROWN
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: July 8, 2024
MOAHR Docket No.: 24-005846
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 June 26, 2024, from Lansing, Michigan. [REDACTED] [REDACTED] the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Larissa Cochran, Family Independence Specialist (FIS); Becky Fraser, Family Independence Manager (FIM); Edward Jasch, Supervisor, Michigan Works; and Rewa Kado, Career Coach, Michigan Works.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-34.

ISSUE

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

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 and a mandatory PATH participant.
2. On January [REDACTED] 2024, Petitioner applied for FIP. (Exhibit A, pp. 7-13)
3. On March [REDACTED] 2024, an interview was completed with Petitioner. (Exhibit A, p. 14-20)

4. On April █ 2024, Petitioner attended PATH orientation and was assigned 35 hours of job search and registered for two workshops. (Exhibit A, p. 28)
5. On April █ 2024, Petitioner missed her first PATH appointment, and an email was sent to her about the appointment. (Exhibit A, p. 28)
6. On April █ 2024, the Career Coach emailed Petitioner instructing her to submit job search hours by close of business that day and the next appointment was scheduled for April █ 2024 in the office. (Exhibit A, p. 28)
7. On April █ 2024, Petitioner did not attend the reasoning workshop she was registered for. (Exhibit A, p. 28)
8. On April █ 2024, Petitioner did not attend the google workshop she was registered for. (Exhibit A, p. 28)
9. On April █ 2024, Petitioner did not attend the innovation workshop she was registered for. (Exhibit A, p. 28)
10. On April █ 2024, Petitioner attended a PATH follow up appointment and provided 31 hours of job search. Petitioner was signed up for the CASAS testing on April █ 2024. The next appointment was scheduled for April █ 2024 in the office. (Exhibit A, p. 28)
11. On April █ 2024, attended a PATH follow up appointment and provided 36 hours of job search. It was noted that Petitioner would be doing community service at █ in Cedar Spring. The next appointment was scheduled for April █ 2024. (Exhibit A, p. 27)
12. On April █ 2024, Petitioner did not attend the responsibility workshop she was registered for. (Exhibit A, p. 27)
13. On April █ 2024, Petitioner did attend the communication workshop she was registered for. (Exhibit A, p. 27)
14. On April █ 2024, Petitioner did not attend the interviewing workshop she was registered for. (Exhibit A, p. 27)
15. On April █ 2024, Petitioner did not attend the CASAS testing she was scheduled for. (Exhibit A, p. 27)
16. On April █ 2024, Petitioner did attend the LinkedIn workshop she was registered for. (Exhibit A, p. 27)
17. An April █ 2024 email from █ confirmed that Petitioner was approved as a volunteer and was instructed to contact the Greenville Store manager within 2 weeks to arrange her shifts. (Exhibit A, p. 27)

18. On April ■ 2024, Petitioner was a no show for the experienced worker workshop. (Exhibit A, p. 27)
19. On April ■ 2024, a noncompliance letter was issued to Petitioner for lack of communication and not responding to emails from the career coach, missing many of the workshops, and not following directions. A reengagement appointment was set for April 23, 2024. (Exhibit A, p. 27)
20. On April ■ 2024, Petitioner did not attend the reengagement appointment. (Exhibit A, p. 27)
21. On April ■ 2024, a Notice of Noncompliance (DHS-2444) was issued to Petitioner based missed appointment/meeting. Notice was provided of a triage appointment scheduled for May ■ 2024 at 2:00 p.m. The notice indicated this was a first non-compliance and there would be a 3-month sanction. (Exhibit A, pp. 21-23)
22. On April ■ 2024, a Notice of Case Action was issued to Petitioner stating her FIP case would close effective May ■ 2023 based on noncompliance with PATH. (Exhibit A, pp. 24-26)
23. The triage meeting was held on May ■ 2023 and no good cause was found. (Exhibit A, pp. 27 and 31)
24. On May 7, 2024, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, pp. 4-6)

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.

For FIP, the Department requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. The focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate without good cause. The goal of the FIP penalty policy is to obtain client compliance with appropriate work and/or self-sufficiency related assignments and to ensure that barriers to such

compliance have been identified and removed. The goal is to bring the client into compliance. A Work Eligible Individual (WEI) and non-WEIs (except ineligible grantees, clients deferred for lack of child care, and disqualified aliens), see BEM 228, who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized. BEM 233A, October 1, 2022, p. 1.

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 includes providing legitimate documentation of work participation, appearing for a scheduled appointment or meeting related to assigned activities, participating in employment and/or self-sufficiency-related activities, and participating in required activity. BEM 233A, p. 2.

BEM 233A addresses good cause for noncompliance:

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. Document the good cause determination in Bridges on the noncooperation screen as well as in case comments.

If it is determined during triage the client has good cause, and good cause issues have been resolved, send the client back to PATH. There is no need for a new PATH referral, unless the good cause was determined after the negative action period.

BEM 233A, p. 4

Good cause includes:

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.

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 pp. 6-7.

In this case, Petitioner was a recipient of FIP benefits and a mandatory PATH participant. The evidence indicates Petitioner missed multiple meetings with her Career Coach, missed multiple workshops she registered for, and missed the scheduled testing. One of the missed meetings was originally scheduled as a follow up meeting but became the reengagement meeting in an effort to prevent Petitioner from having to make another trip to the office. (Exhibit A, pp. 27-28; Career Coach Testimony). Petitioner was late for the triage meeting. The triage meeting was held, and no good cause was found. (Exhibit A, pp. 27 and 31).

Petitioner testified that she was having transportation problems that the Department was aware of as she had applied for assistance with car repairs. Petitioner indicated the distance to travel was an issue, for example the Greenville office is closer. Petitioner asserted that she sent emails trying to work on the situation, but they did not really work with her. Petitioner acknowledged that bus tickets were offered. Petitioner also noted that she had registered for more workshops than she was required to complete. (Petitioner Testimony).

Overall, the evidence shows that Petitioner repeatedly missed meetings with her Career Coach, multiple workshops she registered for, and the scheduled testing. The evidence did not show that Petitioner requested transportation assistance and no assistance was provided. The evidence also did not show that Petitioner had a commute that met the criteria for a long commute. Accordingly, good cause is not found for Petitioner's noncompliance with PATH program requirements.

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 when it closed and sanctioned Petitioner's (FIP) case for noncompliance with PATH program requirements.

DECISION AND ORDER

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

CL/dm



Colleen Lack
Administrative Law Judge

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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via-Electronic Mail :

DHHS
Kimberly Kornoelje
Kent County DHHS
MDHHS-Kent-
Hearings@michigan.gov

SanbornB

VailG

DensonSogbakaN

BSC3HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]