



GRETCHEN WHITMER  
GOVERNOR

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

MARLON BROWN  
DIRECTOR

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Date Mailed: May 30, 2024  
MOAHR Docket No.: 24-003574  
Agency No.: ██████████  
Petitioner: ██████████

**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 May 1, 2024, from Lansing, Michigan. The Petitioner was represented by herself. Household member ██████████ also appeared and testified for the Petitioner. The Department of Health and Human Services (Department) was represented by Teresa Ware FIM. Emily Sziende also appeared and testified for the Department. Anna Bonsink and Sara Shuler from MI Works also appeared and testified. Department Exhibit 1, pp. 1- 53 was received and admitted.

**ISSUE**

Did the Department properly find Petitioner to be in noncompliance with PATH due to disruptive/abusive behavior?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On February 15, 2024, household member ██████████ sent an email that referred to the MI Works site manager and a career coach as “they are both very stupid people”. ██████████ was cited for disruptive/abuse behavior due to disrespectful language towards staff. (Ex. 1, p.40)
2. On February 15, 2024, Notice of Noncompliance was sent to Petitioner informing her that her case was being processed for closure due to disruptive/abusive behavior.

3. On February 15, 2024, a Notice of Case Action was sent to Petitioner informing her that her FIP case would be closing effective February 29, 2024, and that her FAP benefits would be reduced to \$446 per month effective March 1, 2024.
4. On February 16, 2024, Petitioner [REDACTED] used vulgar language directed at staff in a phone call. Specifically, Petitioner used the words “bitch” and “fucking c-word”.
5. On February 27, 2024, a Notice of Noncompliance was sent to Petitioner informing her that her case was being processed for closure due to disruptive/abusive behavior with Notice of a Triage meeting scheduled for March 7, 2024.
6. On March 7, 2024, a triage meeting was held, and Petitioner and household member [REDACTED] were found to not have good cause for noncompliance.
7. On March 19, 2024, Petitioner requested a hearing disputing the closure of FIP and reduction of FAP.
8. At hearing [REDACTED] admitted to sending the email that referred to staff as “very stupid people”.
9. At hearing, Petitioner denied using vulgar language during a phone call on February 16, 2024.
10. At hearing, Anna Bosnick testified that Petitioner used vulgar language during a phone call on February 16, 2024.

### **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.

#### **FIP**

MDHHS 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. BEM 233A

## **NONCOMPLIANCE WITH EMPLOYMENT AND/OR SELFSUFFICIENCYRELATED 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. BEM 233A

In this case, Petitioner and household member [REDACTED] were found to be in noncompliance due to behaving disruptively toward anyone conducting or participating in an employment and/or self-sufficiency-related activity under BEM 233A. They were also found to be in noncompliance with the code of conduct due to disrespectful language towards staff. [REDACTED] admitted to sending the February 15, 2024, email that referred to two staff members as “very stupid people”. [REDACTED] attempted to explain away that comment by pointing out that it said “if the workers believe that” then they are very stupid people. The workers attempted to give [REDACTED] constructive criticism about the clothes he wore to activity. [REDACTED] took offense to that and called them names, that is highly inappropriate and a violation of the code of conduct and BEM 233A. Attempting to couch the insult and then back away from it to avoid consequences does not work. On February 16, 2024, [REDACTED] called the MI Works workers vulgar names during a phone call according to the credible testimony of Anna Bronsink. Ms. Bronsink would have no reason to lie and her testimony at hearing was clear and forthright. Ms. Bronsink’s demeanor was calm and professional. In her testimony at hearing, [REDACTED] first inquired about whether the phone call was recorded. Then [REDACTED] flatly denied using the vulgar language. [REDACTED] tone was combative and confrontational both in her correspondence with the Department and at hearing.


██████████ testimony denying that she used the vulgar words is found to not be credible.

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 case due to noncompliance and when it found that Petitioner did not have good cause for being in noncompliance.

**DECISION AND ORDER**

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

AM/cc

  
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**Aaron McClintic**  
Administrative Law Judge

