
**DEPARTMENT
PHILOSOPHY**

Michigan Department of Health and Human Services (MDHHS) requires participation in employment and/or self-sufficiency-related activities associated with the Family Independence Program (FIP) or Refugee Cash Assistance (RCA). Applicants or recipients of Food Assistance Program (FAP) only must accept and maintain employment. There are consequences for an individual who refuses to participate in FIP/RCA employment and/or self-sufficiency-related activities or refuses to accept or maintain employment without good cause.

**DEPARTMENT
POLICY**

The policies in this item apply to all FAP applicants and recipients aged 16 to 59. Noncompliance without good cause, with employment requirements for FIP/RCA may affect FAP if both programs were active on the date of the FIP noncompliance; see [BEM 233A](#).

Exception: See [BEM 233C](#) for *FAILURE TO MEET EMPLOYMENT REQUIREMENTS: RCA*. RCA individuals do not have the last RCA budgeted on their FAP benefits, but may be disqualified from FAP.

Michigan's FAP Employment and Training program is voluntary and penalties for noncompliance may only apply in the following three situations:

- Individual is active FIP/RCA and FAP and becomes noncompliant with a cash program requirement without good cause.
- Individual is active RCA and becomes noncompliant with an RCA program requirement.
- Individual is pending or active FAP only and refuses employment (voluntarily quits a job or voluntarily reduces hours of employment) without good cause.

At no other time is an individual considered noncompliant with employment or self-sufficiency related requirements for FAP.

**PROCESS FOR
FIP/RCA
ASSOCIATED
NONCOMPLIANCE**

When a recipient of FIP/RCA and FAP is noncompliant, the following will occur:

- On the night that the One-Stop Service Center case manager places the participant into triage activity, the One-Stop Management Information System (OSMIS) will interface to Bridges a noncooperation notice. Bridges will generate a triage appointment at the local office as well as generating the DHS-2444, Notice of Employment And/Or Self-Sufficiency Related Noncompliance, which is sent to the individual.
- For manually entered noncooperations, the DHS-2444 will be generated upon the next EDBC run, which will schedule the triage appointment and place the case into case closure pending the negative action period.
- If a participant is active FIP and FAP at the time of FIP noncompliance, determination of FAP good cause is based on the FIP good cause reasons outlined in [BEM 233A](#). For the FAP determination, if the individual does not meet one of the FIP good cause reasons, determine the FAP disqualification based on FIP deferral criteria only as outlined in [BEM 230A](#), or the FAP deferral reason of care of a child under 6 or education. No other deferral reasons apply for participants active FIP and FAP.
- Determine good cause during triage appointment/phone conference and prior to the negative action period. Good cause must be provided prior to the end of the negative action period. Document the good cause determination on the *noncooperation detail screen* within 24 hours of determination. If the individual does not participate in the triage meeting, determine good cause for FAP based on information known at the time of the determination. Good cause may be verified by information already on file with MDHHS, the Refugee Contractor (RC), or the Partnership. Accountability. Training. Hope. (PATH).
- Determine FAP good cause separately from the FIP/RCA based on FAP good cause reasons defined later in this item. If a good cause reason is selected for FIP/RCA it also applies to

FAP. If the individual does not meet one of the FIP/RCA good cause reasons in the drop down list, but does meet one of the FAP only good cause reasons, select the FAP only good cause reason to avoid individual disqualification on FAP. Bridges makes both determinations simultaneously.

When To Disqualify

Disqualify a FAP group member for noncompliance when all the following exist:

- The individual was active both FIP/RCA and FAP on the date of the FIP/RCA noncompliance.
- The individual did not comply with FIP/RCA employment requirements.
- The individual is subject to a penalty on the FIP/RCA program.
- The individual is **not** deferred from FAP work requirements; see [BEM 230B](#), *DEFERRALS*.
- The individual did not have good cause for the noncompliance.

See *member disqualification* in this item.

Budgeting Last FIP

Bridges applies policies associated with a FIP related noncompliance and budgets the last FIP grant amount in the FAP budget. The FIP grant is removed from the FAP budget at the end of the FIP penalty period. For individuals serving a lifetime sanction, Bridges will remove the FIP income from the FAP budget once the individual reaches their FIP lifetime state time limit.

Note: Due to the FIP state time limit increase from 48 months to 60 months, FAP individuals with a FIP E&T lifetime sanction certified prior to 4/1/2025, will continue to have the last FIP grant included in the FAP budget until the individual reaches their 48-month state time limit. FAP individuals with a FIP E&T lifetime sanction certified 4/1/2025 or after, will have the last FIP grant remain in the FAP budget until the individual reaches their 60-month FIP state time limit.

In instances when an individual serving a FIP sanction leaves the group, the sanction and the last FIP grant will follow the individual.

Note: When the individual with the lifetime sanction enters a different FIP group, Bridges will close the FIP case for the lifetime sanction and budget the last FIP grant, for the sanctioned individual, in the FAP budget for the new group.

Bridges will not budget the last RCA grant when imposing Refugee Assistance Program penalties; see [BEM 233C](#) for RCA penalties.

Overlapping Negative Actions

When an individual is active both FIP and FAP on the date of a FIP noncompliance and FIP is closing for a reason unrelated to noncompliance (for example individual request) take one of the following actions:

- If the individual requests closure of both FIP and FAP during the good cause determination **and** before case closure, act on the unrelated FAP closure. Do not proceed with the FAP noncompliance penalties.
- If the individual requests closure of FIP benefits only, but not FAP, any time during the penalty process and after the noncompliance occurred, continue to process the FAP disqualification. A minimum one or six month penalty applies. If the FIP closure is not employment and/or self-sufficiency-related, Bridges will not budget the last FIP grant amount.

FAP ONLY NONCOMPLIANCE

Refusing Employment

Non-deferred adult members of FAP households must follow certain work-related requirements in order to receive food assistance program benefits.

Working

Disqualify non-deferred adults who were working when the individual:

- Voluntarily quits a job of 30 hours (weekly earnings equal to or in excess of 30 hours times federal minimum wage) or more per week without good cause, or

- Voluntarily reduces hours of employment below 30 hours per week without good cause, and after the reduction, earnings are less than 30 hours times the federal minimum wage.

Note: If the job quit or reduction in hours occurred more than 30 days prior to the application date, no penalty applies.

Not Working

Non-deferred adults who are **not** working or are working less than 30 hours per week must:

- Accept a valid offer of employment.

Note: A valid offer of employment means a definite offer paying wages of at least the applicable state minimum wage.

- Follow through and participate in activities required to receive unemployment benefits (UB) **if** the individual has applied for or is receiving UB.

Note: Determine good cause before implementing a disqualification.

FAP ONLY PENALTIES FOR REFUSING SUITABLE EMPLOYMENT

When an individual has refused suitable employment as described above, do the following:

- Complete the noncompliance record by either completing the *Loss of Employment screen* for job quit or voluntary reduction of hours below 30 hours or by entering a noncooperation for refusal of employment on the *Noncooperation Summary screen*. The DHS-2444, Notice of Employment And/Or Self-Sufficiency Related Noncompliance will be generated upon the next run of EDBC, which will also schedule the triage appointment at the local office and place the individual into disqualification pending the negative action period.
- The following information will be populated on the DHS-2444:
 - The name of the noncompliant individual.

- The date of noncompliance.
 - All the dates, if addressing more than one incident of noncompliance.
 - The reason the individual was determined to be noncompliant.
 - The disqualification that may be imposed.
 - The scheduled triage appointment, to be held in-person or by phone, within the negative action period.
- Hold the triage appointment/phone conference to determine good cause prior to the negative action period. Good cause must be verified and provided prior to the end of the negative action period and can be based on information already on file with MDHHS. Document good cause determination on the Noncooperation Detail screen within 24 hours of determination.
 - If the individual does not participate in the triage meeting, determine good cause for FAP based on information known at the time of the determination.
 - An in-person meeting is not required for FAP only. A phone conference to determine good cause is acceptable.
 - Determine FAP good cause based on FAP good cause reasons defined later in this item.

WIOA AND OTHER EMPLOYMENT & TRAINING PROGRAMS

Do **not** disqualify FAP applicants or recipients for failing to comply with Workforce Innovation Opportunity Act (WIOA) services or any other FAP employment and training components.

MEMBER DISQUALIFICATION

Disqualifications for failure to comply without good cause are the same for FAP applicants, recipients and member adds. Evaluate each individual's work requirement before imposing a disqualification; see [BEM 230B](#), *DEFERRALS*.

- For the first occurrence, disqualify the individual for one month or until compliance, whichever is longer.
- For a second or subsequent occurrence, disqualify the individual for six months or until compliance, whichever is longer.

Bridges counts any previous FIP or RCA-related FAP penalty as a first or subsequent occurrence.

Applicants

For applicants, begin the disqualification the month after application, even if the failure occurred within the 30 days before the application. Bridges sends a notice to inform the individual.

Member Add

For a member add, the disqualification must begin the month after the new member was reported.

Recipients

For recipients, begin the disqualification the first month possible after determination or notification of the failure to comply. Provide the group timely notice.

Disqualification Begin Date

Begin the disqualification the first month after the negative action period ends. If the notice is not sent timely, impose the full disqualification period beginning the first month possible after discovering the error.

Once begun, the month(s) of disqualification proceed consecutively and cannot be interrupted, even if the noncompliant individual or the group becomes ineligible for another reason.

Note: When a member in a FAP group becomes disqualified, Bridges budgets the member's income and expenses as they count toward the remaining eligible group members. See [BEM 550](#) for budgeting instructions.

**GOOD CAUSE FOR
NONCOMPLIANCE**

Good cause is a valid reason for failing to participate in employment and/or self-sufficiency-related activities or refusing suitable employment. Investigate and determine good cause before deciding whether to impose a disqualification. Good cause includes the following:

Deferred

The individual meets one of the deferral criteria; see [BEM 230B](#), *DEFERRALS*.

**Meets Participation
Requirements**

The individual meets participation requirements; see [BEM 230B](#), *DEFERRALS*.

**Wage Under
Minimum**

Except for sheltered workshops, the wage offered, including tips, is less than the applicable state minimum wage.

Client Unfit

The individual is physically or mentally unfit for the job, as shown by medical evidence or other reliable information.

**Health or Safety
Risk**

The degree of risk to health or safety is unreasonable.

Illness or Injury

The individual has a debilitating illness or injury, or an immediate family member's illness or injury requires in-home care by the individual.

Religion

The working hours or nature of the employment interferes with the individual's religious observances, convictions or beliefs.

Net Income Loss

The employment causes the family a net loss of cash income.

No Child Care

Child Development and Care (CDC) is needed for a CDC-eligible child, but none is adequate, suitable, affordable and within reasonable distance of the individual's home or work site; see [BEM 703](#).

No Transportation

Reasonably priced transportation is not available to the individual.

Illegal Activities

The employment involves illegal activities.

Discrimination

The individual experiences discrimination on the basis of age, race, disability, gender, color, national origin or religious beliefs.

**Unplanned Event
or Factor**

Credible information indicates an unplanned event or factor which likely prevents or significantly interferes with employment and/or self-sufficiency-related activities.

**Comparable Work,
Job Quits**

The individual obtains comparable employment in salary **or** hours to the job that was lost.

Note: When an individual quits a job and during the negative action period secures employment, the penalty still applies unless the new job meets the definition of comparable work above.

**Education or
Training**

The employment interferes with enrollment at least half time in a recognized education or job training program.

Long Commute

Total commuting time exceeds either:

- Two hours per day, not including time to and from child care facilities.
- Three hours per day, including time to and from child care facilities.

Unreasonable Conditions

The employer makes unreasonable demands or conditions (for example, working without being paid on schedule).

Forced Move

The individual must quit a job and move out of the county due to another group member's:

- Employment.
- Employment and/or self-sufficiency-related activities.
- Enrollment at least half time in a recognized education or job training program.

Retirement

The employer recognizes the individual's resignation as retirement.

Unkept Promise of Work

For reasons beyond the individual's control, promised employment of at least 30 hours per week (or the state minimum wage times 30 hours) does not materialize or results in less than that minimum.

Union Involvement

The individual must join, resign from, or refrain from joining a labor organization as an employment condition.

Strike or Lockout

The work is at a site subject to a strike or lockout (not enjoined by federal law) at the time of the offer.

Work Not Familiar

In the first 30-calendar days after determined a mandatory FAP participant, the only employment offered is outside the individual's major field of experience.

**REESTABLISHING
FAP ELIGIBILITY**

A noncompliant individual must serve a minimum one-month or six-month disqualification period unless one of the criteria for ending a disqualification early exists.

End the disqualification early if the noncompliant individual either:

- Complies with work assignments for a cash program.
- Obtains comparable employment in salary **or** hours to the job which was lost.
- Meets a deferral reason other than unemployment benefit (UB) application/recipient; see [BEM 230B](#), *DEFERRALS*.

If the individual has met any of the criteria above after a disqualification has actually taken effect, restore benefits beginning the month after the noncompliant individual reports meeting the criteria.

Example: A mandatory FAP recipient reports a job quit on March 28 without good cause. The adverse action to disqualify the noncompliant individual takes effect on April 13. The noncompliant individual reports getting a comparable job on April 25. Since the disqualification doesn't actually take effect until May 1, and the individual has met one of the criteria for ending a disqualification early, she/he should receive FAP benefits for May. If the noncompliant individual did not report a new job until May 1, the FAP benefits could not be restored until the 1st of June.

If the noncompliant individual does not meet the criteria above for ending a disqualification early, a compliance test must be completed before eligibility is regained. In addition, the minimum disqualification period must be served.

If the disqualification caused FAP closure, and all eligibility criteria for FAP eligibility are met, open the case effective the latter of:

- The date the individual agreed to comply.

Compliance Test

- The day after the disqualification ended.
- The date of application.

After a one-month or six-month disqualification, the noncompliant individual must complete a compliance test to become eligible for FAP, unless:

- Working 20 hours or more per week.
- Meets FAP deferral criteria; see [BEM 230B](#), *DEFERRALS*.

When a disqualified individual indicates a willingness to comply, provide an opportunity to test their compliance, provided it is no earlier than one month before a minimum disqualification period ends.

The test may consist of any of these activities for a total of 20 hours:

- Community Service -verify participation with community service agency.
- Work Experience -verify participation with work experience site.
- Applying for three jobs within 10 days. Use the DHS-402, FAP Compliance Letter and Employer Contacts log or other acceptable verification.
- Other employment and/or self-sufficiency-related activities for a total of 20 hours.

If the individual completes the test, recalculate the group's FAP benefit amount with them included.

LEGAL BASE

Food and Nutrition Act of 2008 (7 USC 2011 *et seq.*)
Mich Admin Code, R 400.3610
7CFR 272 and 273.7
Social Welfare Act