

**STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 15-007967  
Issue No.: 1008  
Case No.: [REDACTED]  
Hearing Date: July 01, 2015  
County: Genesee-District 2

**ADMINISTRATIVE LAW JUDGE:** Carmen G. Fahie

**HEARING DECISION**

Following Claimant'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 Thursday, July 1, 2015, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Triage Coordinator, [REDACTED], Hearing Facilitator, [REDACTED], PATH Casemanager.

**ISSUE**

Did the Department properly close Claimant's case for Family Independence Program (FIP)?

**FINDINGS OF FACT**

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

1. The Claimant received FIP benefits.
2. The Claimant failed to submit her attendance records for school and job search hours on a weekly basis as required as a participant in the PATH.
3. On April 1, 2015, the Department pended the Claimant's FIP case to close due to her failure to participate in the PATH Program with a triage appointment on April 8, 2015. Department Exhibit 11-12.
4. On April 1, 2014, the Department sent Claimant its decision that her FIP case was closed effective May 1, 2015 for failure to participate in the PATH Program. Department Exhibit 6-10.

5. The Claimant failed to attend her triage appointment on April 8, 2015 being a no call/no show. Department Exhibit 14.
6. On May 18, 2015, Claimant filed a hearing request, protesting the Department's actions.

### **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.

In this case, the Claimant received FIP benefits. The Claimant failed to submit her attendance records for school and job search hours on a weekly basis as required as a participant in the PATH. On April 1, 2015, the Department pended the Claimant's FIP case to close due to her failure to participate in the PATH Program with a triage appointment on April 8, 2015. Department Exhibit 11-12. On April 1, 2014, the Department sent Claimant its decision that her FIP case was closed effective May 1, 2015 for failure to participate in the PATH Program. Department Exhibit 6-10. The Claimant failed to attend her triage appointment on April 8, 2015 being a no call/no show. Department Exhibit 14. BAM 600. BEM 233A and 233B.

During the hearing, the Claimant stated that she was having problems with her pregnancy, which is why she missed the days of PATH. She did not have a doctor's note excusing her absence to submit to her PATH caseworker as is required by policy. The Claimant stated that the mail for the non-compliance warning and notice went to the wrong address, but that is the address that she gave the PATH worker. She ended up not moving into the apartment, but did not provide a current address as is required by policy. The Claimant did not have a doctor's note that covered the contested time period at the hearing.

Based on the evidence and testimony available during the hearing, the Department's determination that the Claimant did not have good cause for PATH noncompliance with the PATH program is reasonable. The Department has established that it acted properly when it closed the Claimant's FIP benefits for noncompliance with the PATH program. This is the Claimant's 2<sup>nd</sup> sanction where her FIP benefits will be cancelled for 6 months. The Claimant cannot reapply during the last month of her sanction because her FIP time limits will be the maximum limit.

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 the Claimant's FIP for not participating with the PATH program for 2<sup>nd</sup> noncompliance.

**DECISION AND ORDER**

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



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**Carmen G. Fahie**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

Date Signed: **7/7/2015**

Date Mailed: **7/7/2015**

CGF/las

**NOTICE OF APPEAL**: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from MAHS within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion. MAHS **MAY** grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

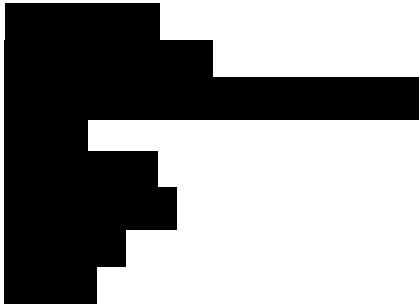
A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

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

cc:

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