

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-015987
Issue No.: 1008, 3007
Agency Case No.: [REDACTED]
Hearing Date: October 15, 2015
County: KALAMAZOO

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 October 15, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself and her fiancé [REDACTED]. Participants on behalf of the Department of Health and Human Services (Department) included Hearing Facilitator [REDACTED], Hearing Facilitator Slate and Case Manager [REDACTED].

ISSUES

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

Did the Department properly sanction Claimant's Food Assistance Program for noncompliance with the Partnership, Accountability, Training, Hope (PATH) program?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of Family Independence Program (FIP) and Food Assistance Program benefits. Participation in Partnership, Accountability, Training, Hope (PATH) is an eligibility requirement for Claimant to receive benefits under these programs.
2. On April 13, 2015, Claimant was sent a Medical Needs - PATH (DHHS-54-E) because she requested a deferral from PATH participation.

3. On July 9, 2015, the Department had not received a Medical Needs - PATH (DHHS-54-E) for Claimant. Claimant was sent a PATH Appointment Notice (DHS-4785) which directed her to attend beginning July 20, 2015. Claimant was also sent another Medical Needs - PATH (DHHS-54-E) form.
4. On July 28, 2015, Claimant had not attended PATH. Claimant was sent a Notice of Non-Compliance (DHS-2444) which scheduled a triage meeting for August 6, 2015. Claimant was also sent a Notice of Case Action (DHS-1605) stating that the Family Independence Program (FIP) and Food Assistance Program would be sanctioned.
5. On August 6, 2015, the Department received a Medical Needs - PATH (DHHS-54-E) form for Claimant which had been signed that day.
6. On August 6, 2015, Claimant did not participated in the scheduled triage meeting. The Department determined there was no good cause for Claimant's failure to participate in employment and/or self-sufficiency related activities.
7. On August 26, 2015, Claimant submitted a request for hearing.

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.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

Bridges Eligibility Manual (BEM) 233A Failure To Meet Employment and/or Self-Sufficiency Related Requirements: FIP, provides guidance for administration of the Partnership, Accountability, Training, Hope (PATH) program. The policy identifies participation requirements, actions that are noncompliant, the consequences of noncompliance, and the definition of good cause for noncompliance.

Noncompliance of applicants, recipients, or member adds means doing **any** of the following **without** good cause:

Failure to complete a FAST or FSSP results in closure due to failure to

provide requested verification. Clients can reapply at any time.

• 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 FSSP process.

•• Develop a Family Self-Sufficiency Plan (FSSP).

•• 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.

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.

The Department alleged that Claimant was noncompliant because she did not attend PATH as assigned. Claimant does not dispute that she did not attend PATH. Claimant asserts she had good cause because she is applying for Social Security due to mental

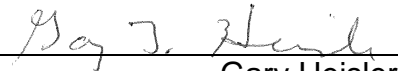
health problems. Claimant testified that she could not attend PATH because it causes too much stress for her.

The August 6, 2015 Medical Needs - PATH (DHHS-54-E) form lists a diagnosis of major depressive disorder, severe with psychotic features. The form is marked to indicate Claimant cannot work at any job and should be re-evaluated in one year. The form states Claimant has a cane for walking but does not identify any specific mental or physical limitations. Participation in employment and/or self-sufficiency related activities through PATH is not the same as working a regular job. The initial sessions are designed to identify what type and level of activity is possible for a participant. Documentation which simply states a person cannot work at a job, is not sufficient to establish a deferral from participation.

The evidence presented at this hearing is not sufficient to establish that Claimant had good cause for her failure to attend PATH in accordance with Department policy. 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 sanctioned Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) for noncompliance with the Partnership, Accountability, Training, Hope (PATH) program.

DECISION AND ORDER

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



Gary Heisler

Administrative Law Judge
for Nick Lyon, Director

Department of Health and Human Services

Date Signed: **10/22/2015**

Date Mailed: **10/22/2015**

GFH/ ■

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:

