



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: July 21, 2016
MAHS Docket No.: 16-008034
Agency No.: [REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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; 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 July 13, 2016, from Lansing, Michigan. The Petitioner was represented by herself and her daughter who interpreted for her, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Manager and [REDACTED] Family Independence Specialist.

ISSUE

Did the Department properly close the [REDACTED] Family Independence Program (FIP) case and reduce her Food Assistance Program (FAP) case because she failed to participate in the 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. The Petitioner was a recipient of PATH and FAP benefits.
2. On May 12, 2016, the Petitioner completed a Family Self-Sufficiency plan. Department Exhibit 1, pg. 2.
3. On May 27, 2016, the Petitioner submitted incomplete logs where she selected 3 activities a week, but the logs reflect her noncompliance with the 3 activities. Department Exhibit 1, pg. 3.

4. On May 27, 2016, the Department sent the Petitioner a Notice of Noncompliance, DHS-2444, because she failed to participate in required activity where she was to attend a triage meeting on June 8, 2016. This was her 1st non-compliance and her FIP case would be closed for 3 months and her FAP benefits would be decreased for one month or until compliance because she would be disqualified. Department Exhibit 1, pgs. 4-5.
5. On May 27, 2016, the Department sent the Petitioner a notice of her FIP case closure due to non-participation in the PATH program. Department Exhibit 1, pgs. 6-8.
6. On June 8, 2016, the Petitioner attended her PATH triage meeting. She stated that her physical therapy had ended, but she failed to report to the Department and pick another activity as is required. The Department has explained the contract to the Petitioner 3 times, but has never complied. Department Exhibit 1, pgs. 9.
7. On June 8, 2016, the Petitioner 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.

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.

In this case, the Petitioner was a recipient of PATH and FAP benefits. On May 12, 2016, the Petitioner completed a Family Self-Sufficiency plan. Department Exhibit 1, pg. 2. On May 27, 2016, the Petitioner submitted incomplete logs where she selected 3 activities a week, but the logs reflect her noncompliance with the 3 activities. Department Exhibit 1, pg. 3. On May 27, 2016, the Department sent the Petitioner a Notice of Noncompliance, DHS-2444, because she failed to participate in required


activity where she was to attend a triage meeting on June 8, 2016. This was her 1st non-compliance and her FIP case would be closed for 3 months and her FAP benefits would be decreased for one month or until compliance because she would be disqualified. Department Exhibit 1, pgs. 4-5. On May 27, 2016, the Department sent the Petitioner a notice of her FIP case closure due to non-participation in the PATH program. Department Exhibit 1, pgs. 6-8. On June 8, 2016, the Petitioner attended her PATH triage meeting. She stated that her physical therapy had ended, but she failed to report to the Department and pick another activity as is required. The Department has explained the contract to the Petitioner 3 times, but she has never complied. Department Exhibit 1, pgs. 9. On June 8, 2016, the Petitioner filed a hearing request, protesting the Department's actions. BEM 209, 210, 218, 228, 229, 230A-C, 233A-C, 515, 518, and 519. BAM 105, 130, 220, and 600.

During the hearing, the Department Caseworker testified that the Petitioner had had a prior noncompliance where they met with her and she said that she did not understand what was required, but she refused an interpreter. At that previous time, the Department gave her good cause and offered an interpreter, which she refused. She is stating that she misunderstood what was required once again, but she won't let her daughter interpret for her during the hearing. The Department has offered her an interpreter, but she has refused saying that she understands, but does not comply with the required activities. The Department found that the Petitioner did not have good cause even though she stated that she did not understand what was expected of her, but she had previously on multiple occasions refused an interpreter.

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 determined that the Petitioner did not have good cause for not participating in PATH activities. As a result, she is sanctioned for the first time where her FIP case is closed for 3 months and her FAP benefits are decreased, but she can reapply during the last month of her sanction.

DECISION AND ORDER

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



Carmen G. Fahie

Carmen G. Fahie

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

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 Administrative Hearing System (MAHS).

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

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

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]