



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: October 21, 2016
MAHS Docket No.: 16-012733
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 October 12, 2016, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], specialist, [REDACTED], specialist, and [REDACTED] AEP case manager of Access.

ISSUE

The issue is whether MDHHS properly denied Petitioner's application for Family Independence Program (FIP) benefits.

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 [REDACTED], Petitioner applied for FIP benefits.
2. On [REDACTED], Petitioner began a 14 day period of PATH attendance.
3. Petitioner stopped attending PATH after 14 days, without good cause.
4. On [REDACTED], MDHHS denied Petitioner's FIP application due to Petitioner's failure to complete a 21 day application eligibility period (AEP).

5. On [REDACTED], Petitioner requested a hearing to dispute the denial of FIP benefits.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. MDHHS (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner's hearing request stated a dispute of "cash" benefits. It was not disputed Petitioner was an ongoing FIP benefit until MDHHS ceased Petitioner's FIP eligibility after June 2016. It was not disputed Petitioner reapplied and was again denied FIP eligibility. During the hearing, Petitioner was repeatedly asked which MDHHS action (the termination or subsequent application denial) prompted her hearing request; Petitioner could not reply with a clear response.

Petitioner's hearing request included statements which only addressed the denial of FIP benefits. Based on Petitioner's hearing request, it is found that Petitioner intended to dispute a denial of FIP benefits, and not to dispute a termination of FIP benefits.

MDHHS presented a Notice of Case Action (Exhibit 1, pp. 1-2) dated [REDACTED] concerning the denial of FIP benefits. The notice stated Petitioner's application was denied, in part, due to an absence of eligible group members; MDHHS conceded the denial reason was erroneous. The notice also stated Petitioner's FIP eligibility was denied, in part, due to Petitioner's failure to complete a required PATH attendance period.

Federal and state laws require each work eligible individual (WEI) in the FIP group to participate in Partnership. Accountability. Training. Hope. (PATH) or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (October 2015), p. 1. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. *Id.* PATH is administered by the Workforce Development Agency, State of Michigan through the Michigan one-stop service centers. *Id.* PATH serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. *Id.*

Completion of the 21 day PATH application eligibility period (AEP) part of orientation is an eligibility requirement for approval of the FIP application. BEM 229 (October 2015), p. 1. PATH participants must complete all of the following in order for their FIP application to be approved: begin the AEP by the last date to attend as indicated on the PATH Appointment Notice[,] complete PATH AEP requirements[, and] continue to

participate in PATH after completing the 21 day AEP. *Id.* [MDHHS] is to deny the FIP application if an applicant does not complete all of the above three components of the AEP. *Id.*

It was not disputed that MDHHS sent Petitioner to begin PATH attendance on [REDACTED] [REDACTED]. It was not disputed that Petitioner completed two weeks of PATH attendance. It was not disputed Petitioner failed to attend her third week of attendance.

Despite Petitioner's failure to complete the required AEP, consideration was given to excusing Petitioner based on alleged statements made by PATH staff. Petitioner's hearing request and testimony implied she was unequivocally told by a PATH case manager that she need not further attend because Petitioner provided a medical document to defer her. During the hearing, the person who allegedly advised Petitioner was contacted. The case manager credibly testified that Petitioner was not told to stop attending PATH. The case manager's testimony was based on notes she made from Petitioner's case file. It is found Petitioner was not told by PATH staff to stop attendance.

Petitioner repeatedly stated throughout the hearing that she is disabled and should be deferred from PATH participation. Consideration was also given to evaluating whether MDHHS properly factored Petitioner's claim of disability in the application denial process.

Petitioner's hearing request statements specifically referenced an allegation that she was told by PATH staff to stop PATH attendance; no reference to a claimed disability was noted. This consideration supports rejecting an analysis based on a claimed disability.

Also, it was not disputed that MDHHS considered and rejected Petitioner's claim of disability in May 2016. Petitioner did not allege any change in her disability since May 2016. Thus, there was no apparent reason for MDHHS to reconsider the unchanged claim of disability.

It is found Petitioner failed to complete the 21 day AEP. Accordingly, the denial of Petitioner's FIP application was proper.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's application for FIP benefits dated [REDACTED]. The actions taken by MDHHS are **AFFIRMED**.

Christian Gardocki

CG/hw

Christian Gardocki
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

DHHS

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]