



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 14, 2016
MAHS Docket No.: 16-012828
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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/an telephone hearing was held on [REDACTED], from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED] Family Independence Manager, [REDACTED] and [REDACTED], Eligibility Specialists.

ISSUE

Did the Department properly close the Petitioner's 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. On [REDACTED], the Department sent the Petitioner a Notice of Case Action informing the Petitioner that her FIP benefits were scheduled to close effective [REDACTED].
2. On [REDACTED], the Department sent the Petitioner a Notice of Noncompliance scheduling a triage meeting, scheduled for [REDACTED], to discuss the Petitioner's failure to respond to the Department's request for information/documentation. The Petitioner failed to appear, and no good cause was determined.

3. On [REDACTED], the Petitioner requested a hearing to protest the closure of her FIP benefits.

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 Petitioner was enrolled in Partnership.Accountability.Training.Hope (PATH) but failed to turn in work assigned to her.

The Department sent the Petitioner a Notice of Noncompliance because the Petitioner had failed to turn in work logs. The Department sent the Petitioner a re-engagement letter, but the Petitioner failed to attend the scheduled meeting.

The Department then scheduled a triage meeting to allow the Petitioner the opportunity to show good cause for her failure to provide the work logs. The Petitioner failed to attend this triage meeting.

The Petitioner testified that she was in a serious accident in which both she and her son were seriously injured.

The Petitioner argued that the accident, and subsequent hospitalization, caused her to not respond to the Department's attempts to address her failure to comply with PATH.

The Petitioner further argued that she did not attend various meetings because her son was still in the hospital.

Documentation provided at the hearing shows that the Petitioner's son was released from the hospital two weeks before the Petitioner missed the triage and the noncompliance meetings.


The undersigned ALJ finds that the Petitioner failed to comply with work-related activities in the PATH program in violation of Department policy. (233A, April 2016)

DECISION AND ORDER

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 Petitioner's FIP benefits.

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

MJB/jaf



Michael J. Bennane
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]

Petitioner

[REDACTED]

Via email

[REDACTED]