



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: April 8, 2016
MAHS Docket No.: 16-002188
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 April 4, 2016, from Detroit, Michigan. The Petitioner was represented by Petitioner. Also appearing on behalf of Petitioner was Aisha [REDACTED] from the [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Specialist, [REDACTED], PATH Coordinator, and [REDACTED], PATH Case Manager.

ISSUE

Did the Department properly close Petitioner's FIP benefits for failure to participate in employment and/or self-sufficiency-related activities?

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 gave Petitioner a Noncompliance Warning Notice.
2. Also on [REDACTED] Petitioner entered into a PATH Reengagement Agreement in which she agreed to comply with the requirements of the program.
3. On [REDACTED] Petitioner and a representative from [REDACTED] met with Petitioner's assigned case worker and supervisor.

4. During the [REDACTED], the representative from [REDACTED] disclosed to the Department that Petitioner was being treated for condition(s) associated with her mental health.
5. On [REDACTED], the Department sent Petitioner a Notice of Noncompliance scheduling a meeting for [REDACTED] to determine whether Petitioner could establish good cause for failing to participate in employment and/or self-sufficiency-related activities.
6. Also on [REDACTED] the Department sent Petitioner a Notice of Case Action notifying Petitioner that her FIP benefits would close effective [REDACTED].
7. Petitioner appeared for the [REDACTED] meeting; however, the Department determined that Petitioner failed to establish good cause.
8. On [REDACTED], Petitioner filed a Request for Hearing disputing 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.

Additionally, Department policy requires that clients complete the 21 day PATH AEP part of orientation which is an eligibility requirement for approval of the FIP application. 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 DHS-4785, PATH Appointment Notice.
- Complete PATH AEP requirements.
- Continue to participate in PATH after completion of the 21 day AEP. BEM 229 (October 2015), p. 1.

However, under Department policy, Persons with a mental or physical illness, limitation, or incapacity expected to last less than three months and which prevents participation may be deferred for up to three months. BEM 230A (October 2015), p. 11. In those cases, the Department is required to verify the short-term incapacity and the length of

the incapacity using a DHS-54A, Medical Needs, or DHS-54E, Medical Needs - PATH, or other written statement from an M.D./D.O./P.A and set the medical review date accordingly, but not to exceed three months. *Id.*

In this case, [REDACTED] testified that she works at [REDACTED] and that she accompanied Petitioner to a meeting with the Department on [REDACTED]. [REDACTED] further testified that she disclosed to the Department that Petitioner was receiving treatment at her facility for issues relating to her mental health. Department confirmed that Petitioner was not provided with for DHS 54E as required by policy. Instead, Petitioner was found to be in noncompliance. Petitioner was further found to have not established good cause for her noncompliance. As a result, the Department sent Petitioner a Notice of Case Action notifying her that her FIP benefits would close effective [REDACTED].

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 did not act in accordance with Department policy when it closed Petitioner's FIP benefits for failure to participate in employment and/or self-sufficiency-related activities.

DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Petitioner's FIP benefits effective [REDACTED], ongoing;
2. Issue supplements to Petitioner that she was eligible to receive but did not effective [REDACTED]
3. Determine whether Petitioner meets the qualifications for deferment from the PATH program; and
4. Notify Petitioner in writing of its decision.

JM/hw



Jacquelyn A. McClinton

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]

PATH

Petitioner

[REDACTED]