



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 25, 2016
MAHS Docket No.: 16-002844
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 18, 2016, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Hearing Facilitator and [REDACTED], Case Manager.

ISSUES

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

Did the Department properly reduce Petitioner's FAP benefits for failure to participate in employment and 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. The Petitioner was a recipient of FIP benefits.
2. The Petitioner is an ongoing recipient of FAP benefits.
3. On [REDACTED], the Department sent Petitioner a PATH Appointment Notice instructing her to appear for orientation on [REDACTED].

4. Petitioner appeared for the [REDACTED] orientation but did not participate in the PATH program after that date.
5. On [REDACTED], the Department sent Petitioner another notice scheduling an appointment for [REDACTED].
6. Petitioner contacted her case manager and advised that she would not participate in the PATH program.
7. On [REDACTED], the Department sent Petitioner a Notice of Case Action advising her that her FIP benefits would close effective [REDACTED], ongoing and that her FAP benefits would be decreased effective [REDACTED], ongoing.
8. Also on [REDACTED], the Department also sent Petitioner a Notice of Noncompliance, scheduling a meeting for [REDACTED].
9. Petitioner appeared at the [REDACTED] meeting but failed to provide any supporting documentation for her noncompliance.
10. Following the [REDACTED] meeting, the Department determined that Petitioner failed to establish good cause for her noncompliance.
11. 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.

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.

Additionally, PATH participants must complete the 21-day PATH application eligibility period (AEP) part of orientation which is an eligibility requirement for approval of the FIP application. BEM 229 (October 2015), p. 1. Failure by a client to participate fully in assigned activities while the FIP application is pending will result in denial of FIP benefits. BEM 229, p. 5. This requires that the client (i) begin the AEP by the last date to attend as indicated on the PATH Appointment Notice, (ii) complete the PATH AEP requirements, and (iii) continue to participate in PATH after completion of the 21-day AEP. BEM 229, p.1. Completion of a FAST is also required. The participant's failure to submit a FAST within 30 days of the notice date is a failure to meet eligibility requirements and will result in application denial. BEM 228 (October 2015), p. 21.

The focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate, without good cause. BEM 233A (May 2015), p. 1.

A Work Eligible Individual (WEI) and a non-WEI who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized. Depending on the case situation, penalties include the following:

- Delay in eligibility at application.
- Ineligibility (denial or termination of FIP with no minimum penalty period).
- Case closure for a minimum of three months for the first episode of noncompliance, six months for the second episode of noncompliance and lifetime closure for the third episode of noncompliance. *Id.*

On [REDACTED], the Department sent Petitioner a PATH Appointment Notice instructing her to appear for orientation on [REDACTED]. Petitioner appeared at orientation and completed the necessary paperwork. Petitioner was scheduled to return on [REDACTED]. Petitioner did not appear but called the case manager to advise she was either going to appear later in the day or would have to appear the following day.

On [REDACTED], Michigan experience a severe snow storm. Petitioner testified that because of the snow storm, she was unable to keep her appointment with the case manager. Petitioner did not contact the case manager to advise that she would not appear. Petitioner also failed to appear on [REDACTED]. Petitioner testified that she fell and as a result sought medical attention. Again, Petitioner did not contact her worker from [REDACTED].

On [REDACTED] the Department sent Petitioner another notice scheduling an appointment for [REDACTED]. It is unclear when Petitioner received the correspondence from the Department. However, Petitioner acknowledged that she contacted the Department to state that she could not participate in the program. Petitioner did not offer any additional details as to why she could not participate.

On [REDACTED], the Department sent Petitioner a Notice of Case Action advising her that her FIP benefits would close effective [REDACTED], ongoing and that her FAP benefits would be decreased effective [REDACTED], ongoing. On the same day, the Department also sent Petitioner a Notice of Noncompliance, scheduling a meeting for [REDACTED]. A client is entitled to participate in a triage meeting by telephone if in-person attendance is not possible. BEM 233A (July 2013), p. 9. The purpose of the [REDACTED] meeting was to allow Petitioner an opportunity to establish good cause.

At the hearing, Petitioner testified that she did not participate in the program because she worked 20 hours per week from January through March 2016. In her request for hearing, Petitioner also stated she had to attend funerals during the time period in question. Petitioner appeared at the [REDACTED] meeting. At the time of the meeting, Petitioner did not provide any documentation of employment; did not provide any medical documentation and did not provide any obituaries for funerals she attended.

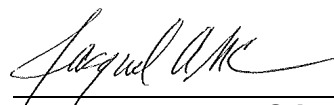
Petitioner also testified that she did not have transportation. However, Petitioner acknowledged that she did not take any steps to determine the schedule of public transportation in her area. As a result, the Department determined that Petitioner failed to establish good cause. It is found that when looking at the information the Department had at the time it made its decision, Petitioner failed to establish good cause for noncompliance.

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 Petitioner's FIP benefits and reduced her FAP benefits.

DECISION AND ORDER

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

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]

Petitioner

[REDACTED]