



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: December 22, 2016
MAHS Docket No.: 16-017191

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 December 15, 2016, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] Hearing Facilitator.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) benefits for failing to participate with PATH?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was a recipient of FIP benefits and was referred to PATH.
2. On October 31, 2016, Notice of Case Action was sent to Petitioner advising her that her FIP benefits would close effective December 1, 2016, for failure to attend PATH orientation.
3. On November 9, 2016, Petitioner requested hearing.

4. The Department provided a Medical Social Eligibility Certification (DHS 49-A) in the exhibit packet which included no rationale or explanation. (Dept. Ex.1, pp. 14-19)
5. Petitioner credibly testified that she has significant health problems that would make it difficult for her to participate with PATH.

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.

DDS DECISION

Upon the receipt of the DDS decision, review the determination and information provided by DDS. Establish the accommodations the recipient needs to participate in PATH or to complete self-sufficiency-related activities. Follow the procedure for accommodating disabilities; see Reasonable Accommodation in this item.

Work Ready

Recipients determined by DDS to be work ready are able to fully engage in PATH without any accommodation. To engage the recipient in PATH, end the Disability Details record in Bridges. On the CASH-EDG Summary, the Deferral/Participation Reason will be *MWA Activity* or PATH and Bridges will generate a referral to PATH as well as the DHS-4785.

Work Ready With Limitations

Recipients determined as work ready with limitations are required to participate in PATH as defined by DDS. To engage the recipient in PATH, take the following actions:

- End the Disability Details record in Bridges.
- Update the Disability Determination-MRT and Employment Services- Details screens in Bridges to indicate the recipient is *work ready with limitations*.
- On the Employment Services- Detail screen, use the Other MWA Referral Comments to identify the recipient's limitations as defined by DDS.

- On the CASH-EDG Summary the Deferral/Participation Reason will be *Work Ready with Limitations*.
- Bridges will generate a referral to PATH as well as the DHS-4785 once the specialist runs and certifies eligibility.

Do not require the recipient to apply for RSDI/SSI. BEM 230A (October 2015)

In this case, the Department provided a blank Medical Social Eligibility Certification that had no explanation or rationale why Petitioner was “capable of past relevant work”. The Department representative acknowledged at hearing that the documentation provided in the hearing packet did not contain the usual “work ready” or “work ready with limitations” finding with explanation to support the finding. The DHS 49A form provided in the hearing packet did not comport with BEM 230A because it did not have the required findings. Without any medical evidence or rationale to support the Department’s assertion that Petitioner is capable of past relevant work the Department has failed to satisfy its burden that closure of Petitioner’s FIP benefits for failing to participate with PATH without good cause was proper and correct. In addition, Petitioner credibly testified that she has significant health problems, including a mass on her lung and under her arm, which would make it difficult for her to participate with PATH.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner’s FIP case for failing to participate with PATH.

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 going back to the date of closure.
2. Issue a supplement for any missed FIP benefits



Aaron McClintic
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

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[REDACTED]
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