



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: January 23, 2017
MAHS Docket No.: 16-016241
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 telephone hearing was held on [REDACTED], from Detroit, Michigan. The Petitioner was represented by [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED].

ISSUE

Did the Department properly calculate the Petitioner's Food Assistance Program (FAP) benefits and closed 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 Partnership.Accountability.Training.Hope (PATH) appointment notice for 8:30 a.m. on [REDACTED].
2. On [REDACTED], the Petitioner failed to attend PATH.
3. On [REDACTED], the Department sent the Petitioner a Notice of Noncompliance when the Petitioner failed to attend the [REDACTED], PATH appointment.
4. On [REDACTED], the Petitioner and the Department attended a triage concerning the Petitioner's failure to attend the [REDACTED], PATH appointment.
5. On [REDACTED], the Department sent the Petitioner a second PATH appointment notice for [REDACTED].

6. The Petitioner failed to attend the second PATH appointment.
7. On [REDACTED], the Department sent the Petitioner a Notice of Case Action informing the Petitioner that her FIP benefits had been continued and that her FAP benefits had been increased.
8. On [REDACTED], the Department sent the Petitioner a second Notice of Case Action informing the Petitioner that her FIP benefits had closed and that her FAP benefits had been decreased.
9. On [REDACTED], Department sent the Petitioner a third Notice of Case Action notifying the Petitioner that her FAP benefits had been decreased the second time.

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.

In this case, the Petitioner testified that she failed to attend the second appointment for PATH because she received the notice of the second appointment the day before the appointment, not allowing enough time for the Petitioner to arrange for her attendance.

At the outset of the hearing, the Department representative testified that she was not familiar with the case and did not have a complete file on same.

From the documentation provided, it appears that the Department attempted to work with the Petitioner allowing her to avoid closure of her benefits. However, this ALJ finds that the documentation while adequate is not backed up with information/testimony from the Department describing the actions taken in this case.

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 was unable to provide corroborating testimony concerning the documentation provided by the Department.

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. Re-register and re-process the Petitioner's FIP AND FAP benefits retroactively back to [REDACTED], and supplement for any missed benefits.
2. Obviously, the Department may send the Petitioner back to PATH in light of her receiving FIP benefits.

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]

[REDACTED]