



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: January 4, 2017
MAHS Docket No.: 16-017089

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 14, 2016, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist, from [REDACTED] and [REDACTED], Family Independence Manager, from [REDACTED].

ISSUE

Did the Department properly close the Petitioner Family Independence Program (FIP) and Food Assistance Program (FAP) because the Petitioner failed to cooperate with the PATH program and failed to submit her Mid-Cert report by the due date?

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 and FAP.
2. On September 1, 2016, the Petitioner was sent a PATH Appointment Notice, DHS 4785, for her to attend PATH on September 13, 2016 that was sent to [REDACTED]. Department Exhibit 1, pg. 5.

3. On September 1, 2016, the Department Caseworker sent the Petitioner a Semi-Annual Contact Report, DHS 1046, to [REDACTED], that was due October 1, 2016 for her FAP benefits to continue or her FAP case would close effective October 31, 2016. Department Exhibit 1, pgs. 9-10.
4. On September 20, 2016, the Department Caseworker sent the Petitioner a Notice of Noncompliance, DHS 2444, to [REDACTED] where the Petitioner had no initial contact with PATH, resulting in a triage scheduled for September 28, 2016 at 9 a.m. that was sent to [REDACTED] where this was her 2nd noncompliance and her FIP case would close for 6 months. Department Exhibit 1, pgs. 6-7.
5. On September 20, 2016, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, to [REDACTED], that her FIP case was closed because for a second time that she has failed to participate in employment or self-sufficiency related activities. Department Exhibit 1, pgs. 3-4.
6. On October 10, 2016, the Department Caseworker sent the Petitioner a Notice of Potential Food Assistance (FAP) Closure, to [REDACTED], that effective October 31, 2016 that her FAP case will be closed because she failed to return her Semi-Annual Contact form. Department Exhibit 1, pg. 11.
7. On November 7, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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 was a recipient of FIP and FAP. On September 1, 2016, the Petitioner was sent a PATH Appointment Notice, DHS 4785, for her to attend PATH on September 13, 2016 that was sent to [REDACTED] Department Exhibit 1, pg. 5. On September 1, 2016, the Department Caseworker sent the Petitioner a Semi-Annual Contact Report, DHS 1046, to [REDACTED], that was due October 1, 2016 for her FAP benefits to continue or her FAP case would close effective October 31, 2016. Department Exhibit 1, pgs. 9-10. On September 20, 2016, the Department Caseworker sent the Petitioner a Notice of Noncompliance, DHS 2444, to [REDACTED] [REDACTED], where the Petitioner had no initial contact with PATH, resulting in a triage scheduled for September 28, 2016 at 9 a.m. that was sent to [REDACTED] [REDACTED] where this was her 2nd noncompliance and her FIP case would close for 6 months. Department Exhibit 1, pgs. 6-7. On September 20, 2016, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, to [REDACTED] that her FIP case was closed because for a second time that she has failed to participate in employment or self-sufficiency related activities. Department Exhibit 1, pgs. 3-4. On October 10, 2016, the Department Caseworker sent the Petitioner a Notice of Potential Food Assistance (FAP) Closure, to [REDACTED] that effective October 31, 2016 that her FAP case will be closed because she failed to return her Semi-Annual Contact form. Department Exhibit 1, pg. 11. On November 7, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BEM 233A and 233B. BAM 200 and 210.

During the hearing, the Petitioner reported that she moved to [REDACTED] on September 1, 2016. She reported that she had moved on September 18, 2016 to her Department Caseworker in [REDACTED]. Her address was changed on BRIDGES on September 28, 2016. The Petitioner reported that she moved back to [REDACTED] on October 4, 2016. She stated that she did forward her mail with the Post Office, but she did not receive any correspondence from the Department. The Department testified that there was no mail returned to the Department for the Petitioner. Since the Petitioner did not attend her scheduled triage, the Department determined that she did not have good cause resulting in a 2nd FIP Sanction.

This Administrative Law finds that the Petitioner did not report her address change to [REDACTED] within 10 days as required by policy. When her address change was reported and the change was made on the system, her address was changed accordingly, but she had already moved back to [REDACTED]. It is the Petitioner's responsibility to make sure she forwards her mail and let the Department know of an address change within 10 days as required by policy. The Petitioner failed to attend PATH, which resulted in a 2nd sanction for FIP. In addition, she failed to submit her Semi-Annual Contact form by the due date, which resulted in the closure of her FAP 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 acted in

accordance with Department policy when it closed the Petitioner's FIP case for failure to attend PATH for a 2nd sanction where her FIP case will close for 6 month and she can reapply for FIP during the last month of her sanction and closed her FAP case for failure to submit the Semi-Annual Contact form by the due date.

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

Carmen G. Fahie

Carmen G. Fahie

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

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]