



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 23, 2017
MAHS Docket No.: 16-018447

[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 January 12, 2017, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED]. [REDACTED] worker also testified. Department Exhibit 1, pp. 1-77 was received and admitted.

ISSUE

Did the Department properly close Petitioner's Family Independence Program case 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 and Food Assistance Program (FAP) benefits.
2. Petitioner applied for FIP benefits on July 19, 2016, and was deferred from participating with PATH for 3 months due to a medical condition. (Dept. Ex. 1. pp. 6-7)
3. On September 1, 2016, a FAST Referral Notice was sent to Petitioner at her address of record.

4. Notice of Noncompliance was issued and a triage meeting was held on October 12, 2016.
5. Good cause was given at the October 12, 2016, triage meeting in error.
6. A Medical Needs form was received by the Department on October 13, 2016, indicating that Petitioner was able to participate with PATH. (Dept. Ex. 1, pp.12-13)
7. On October 13, 2016, a FAST Mandatory Notice was sent to Petitioner at her address of record.
8. On November 1, 2016, a JET appointment notice was sent to Petitioner for her to attend PATH on November 14, 2016.
9. Notice of Noncompliance was issued on November 12, 2016, scheduling a triage meeting for November 23, 2016.
10. Petitioner did not attend the triage meeting held on November 23, 2016, and she was not given good cause
11. Notice of Case Action was also issued on November 12, 2016, informing Petitioner that her FIP case would close of December 1, 2016
12. On December 6, 2016, Petitioner requested hearing disputing the closure of FIP and reduction of FAP benefits.

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.

NONCOMPLIANCE WITH EMPLOYMENT AND/OR SELF-SUFFICIENCY-RELATED ACTIVITIES

As a condition of eligibility, all WEIs and non-WEIs must work or engage in employment and/or self-sufficiency-related activities. Noncompliance of applicants, recipients, or member adds means doing any of the following without good cause:

- Failing or refusing to:
 - Appear and participate with Partnership. Accountability. Training. Hope. (PATH) or other employment service provider.
 - Complete a Family Automated Screening Tool (FAST), as assigned as the first step in the Family Self-Sufficiency Plan (FSSP) process.

Note: The specialist should clear any alerts in Bridges relating to rejected PATH referrals as well as any FAST confirmation information the client has obtained before considering a client noncompliant.
 - Develop a FSSP.

Note: A FSSP completion appointment with the client must have been scheduled and the client failed to attend before considering a client noncompliant for FSSP completion.
 - Comply with activities assigned on the FSSP.
 - Provide legitimate documentation of work participation.
 - Appear for a scheduled appointment or meeting related to assigned activities.
 - Participate in employment and/or self-sufficiency-related activities.
 - Participate in required activity.
 - Accept a job referral.
 - Complete a job application.

- Appear for a job interview (see the exception below).
- Stating orally or in writing a definite intent not to comply with program requirements.
- Threatening, physically abusing or otherwise behaving disruptively toward anyone conducting or participating in an employment and/or self-sufficiency-related activity.
- Refusing employment support services if the refusal prevents participation in an employment and/or self-sufficiency-related activity. BEM 233A

In this case, Petitioner failed to participate with PATH without good cause when she left the JET program without participating fully on November 14, 2016. Petitioner testified that she was having anxiety and had to leave. Petitioner was given an opportunity to provide medical documentation confirming that her mental health symptoms prevented her from participating on November 14, 2016. Petitioner submitted a letter from a nurse practitioner dated November 15, 2016, that reads as follows: [REDACTED] is a patient under my care. She has been seeing me since September 20, 2016. She has difficulties with anxiety and has trouble being around people. Her medications are currently being adjusted and this is a process that will take some time. It would be my request that you offer her compromises that would help her continue with your program.” (Dept. Ex. 1. P.27) This letter appears to ask the agency to make accommodations for Petitioner to allow her to participate but it does not excuse her from participating or assert that Petitioner is unable to participate because of her mental health issues. Since Petitioner was found work ready on October 13, 2016, and this letter did not excuse her from participating, the Department was correct to process her case for closure due to noncompliance for failing to fully participate with PATH on November 14, 2016. BEM 233A Petitioner raised issues at hearing, regarding problems she was having receiving her mail that caused her to miss deadlines and the triage meeting. Petitioner explained that she moved during this time period and her mail was being held for a span of time. She acknowledged that the Department sent all notices to the address she provided to them. It was explained that the FIP benefit program has very strict requirements and Petitioner needed to make sure she was getting her mail or found another way to get notices from the Department if she wanted to participate in the program. Petitioner failed to participate with PATH without good cause, therefore the Department’s closure was proper and correct. BEM 233A

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 Petitioner’s FIP benefits for failing to return verifications and imposed lifetime sanction because this was a fourth instance of noncompliance.

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




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

