



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: February 16, 2017
MAHS Docket No.: 16-019454
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 February 6, 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], Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's [REDACTED] application for FIP benefits?

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], Petitioner submitted an application for FIP benefits.
2. Petitioner was referred to the PATH program.
3. Petitioner completed orientation but failed to complete the remaining requirements necessary to receive FIP benefits.
4. On [REDACTED], the Department sent Petitioner a Notice of Case Action which notified Petitioner that her application for FIP benefits had been denied.

5. 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.

Additionally, under Department policy, completion of the 21 day PATH application eligibility period (AEP) part of orientation is an eligibility requirement for approval of the FIP application. PATH participants must complete all of the following in order for their FIP application to be approved:

1. Begin the AEP by the last date to attend as indicated on the DHS-4785, PATH Appointment Notice.
2. Complete PATH AEP requirements.
3. Continue to participate in PATH after completion of the 21-day AEP.

Deny the FIP application if an applicant does not complete all of the above three components of the AEP. BEM 229 (October 2015), p. 1.

In this case, Petitioner attended orientation but did not complete the 21-day AEP. Petitioner testified that she immediately informed the Department that she was attending school Monday through Friday from 9:30 a.m. until 3:30 p.m. and would therefore be unable to complete the 21-day AEP. It appears that Petitioner was seeking deferral from the completion of the 21-day AEP. The Department testified that it informed Petitioner that her school studies did not qualify for deferral and that she had to complete the 21-day AEP if she wished to be eligible for FIP benefits. Petitioner acknowledged being told that her school did not meet the criteria for deferral and that she elected not to complete the 21-day AEP.

Department policy lists reasons in which an individual can be deferred from participation. The deferral reasons include: Temporary Incapacity. Disability Problem Pregnancy. Care of a Spouse/Child with Disabilities. Lack of Child Care and Domestic Violence. BEM 230A (October 2015), pp. 24-25.

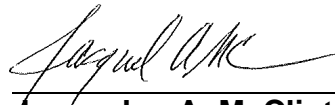
While it is true that Petitioner was allowed to defer her participation in the PATH program on a prior occasion to attend a Cosmetology course, it does not appear that the Department was required to grant Petitioner's prior or subsequent deferral request. As such, it is found that the Department properly denied Petitioner's application for FIP benefits as a result of her failure to complete the 21-day AEP.

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 denied Petitioner's [REDACTED] application for FIP benefits.

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]