



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: [REDACTED] May 15, 2017
MAHS Docket No.: 17-004615
Agency No.: [REDACTED]
Petitioner: [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 [REDACTED], from [REDACTED], Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Manager, and [REDACTED], Family Independence Specialist.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) case, and reduce her Food Assistance Program (FAP) case because she failed to participate in the PATH program?

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 FAP.
2. On [REDACTED], Petitioner completed a Family Self-Sufficiency Plan, where Petitioner stated that she would conduct 5 hours of activities doctor appointments volunteering at the school and library visits to report and verify weekly. Department Exhibit 1, pg. 2.

3. On [REDACTED], the Department sent Petitioner a Notice of Noncompliance, DHS-2444, because she failed to participate in a required activity. This was her first non-compliance, and her FIP case would be closed for 3 months. Department Exhibit 3-4.
4. On [REDACTED], the Department sent Petitioner a notice of her FIP case closure due to non-participation in the PATH program. Department Exhibit 5-8.
5. On [REDACTED], the Department conducted the PATH triage meeting with Petitioner over the phone. Petitioner failed to submit logs for the week of [REDACTED], [REDACTED], and [REDACTED]. She stated that the logs for [REDACTED], were not returned because the library would no longer stamp them to verify activity. The Department Caseworker reminded her that she was informed on [REDACTED], that the library activity was not able to be a verifiable activity then additional activities needed to be added to the contract. She had added church, [REDACTED], physical therapy, and the food bank. A determination was made that she did not have good cause for not submitting the required logs after [REDACTED]. Her FIP case remained closed and there was no change in her FAP benefits. Department Exhibit 1, pg. 9.
6. On [REDACTED], Petitioner filed a hearing request, protesting 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.

The Food Assistance Program [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 [REDACTED], Petitioner completed a Family Self-Sufficiency Plan, where Petitioner stated that she would conduct 5 hours of activities: doctor appointments, volunteering at the school,

and library visits to report and verify weekly. Department Exhibit 1, pg. 2. On [REDACTED], the Department sent Petitioner a Notice of Noncompliance, DHS-2444, because she failed to participate in a required activity. This was her first non-compliance, and her FIP case would be closed for 3 months. Department Exhibit 3-4. On [REDACTED], the Department sent Petitioner a notice of her FIP case closure due to non-participation in the PATH program. Department Exhibit 5-8.

On [REDACTED], the Department conducted the PATH triage meeting with Petitioner over the phone. Petitioner failed to submit logs for the week of [REDACTED], [REDACTED], and [REDACTED]. She stated that the logs for [REDACTED] were not returned because the library would no longer stamp them to verify activity. The Department Caseworker reminded that her that she was informed on [REDACTED], that the library activity was not able to be a verifiable activity, then additional activities needed to be added to the contract. She had added church, [REDACTED], physical therapy, and the food bank. A determination was made that she did not have good cause for not submitting the required logs after [REDACTED]. Her FIP case remained closed and there was no change in her FAP benefits. Department Exhibit 1, pg. 9. On [REDACTED], Petitioner filed a hearing request, protesting the Department's actions. BEM 105, 130, 220, and 600. BAM 209, 210, 218, 228, 229, 230A-C, 233A-C, 515, 518, and 519.

During the hearing, the Department Caseworker testified that she told Petitioner on [REDACTED], that she had to add additional activities since the library activity could no longer be verified. She failed to submit any weekly logs after [REDACTED]. Petitioner did attend the triage by phone, but the Department found that Petitioner did not have good cause for not submitting her logs as required by her Family Self-Sufficiency Plan signed on [REDACTED].

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 there were no barriers to Petitioner's compliance with the requirements of submitting a weekly log in order to continue to be eligible for FIP.

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

CF/bb



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

DHHS

[REDACTED]

Petitioner

[REDACTED]