RICK SNYDER GOVERNOR

STATE OF MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON



Date Mailed: July 31, 2017 MAHS Docket No.: 17-007317

Agency No.: Petitioner:

ADMINISTRATIVE LAW JUDGE: Eric J. Feldman

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; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a three-way telephone hearing was held on the presented herself. The Department of Health and Human Services (Department) was represented by the presented by Success Coach.

ISSUE

Did the Department properly deny Petitioner's Family Independence Program (FIP) application effective

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

- On ______, Petitioner applied for FIP benefits.
 On ______, the Department sent Petitioner a Partnership. Accountability.Training.Hope. (PATH) Appointment Notice (appointment notice) instructing her to attend the PATH orientation on ______. [Exhibit A, p. 4.]
 On the appointment notice, it stated "[i]f you do not call or appear within 15 days of

this notice, your application will be denied." [Exhibit A, p. 4.]

- 5. On the Department sent Petitioner a Notice of Case Action notifying her that her FIP application was denied effective , ongoing, due to her failure to attend the PATH orientation. [Exhibit A, pp. 7-8.]
- 6. On _____, Petitioner filed a hearing request, protesting her FIP denial and Food Assistance Program (FAP) benefits. [Exhibit A, pp. 2-3.]

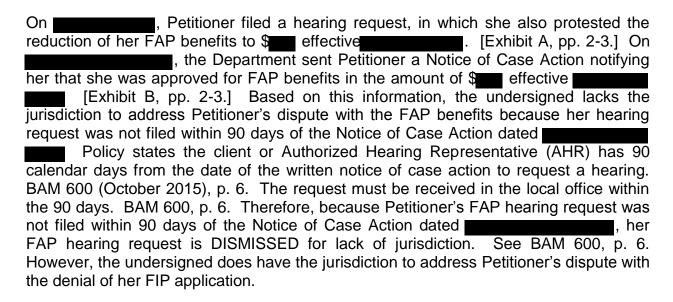
CONCLUSIONS OF LAW

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.

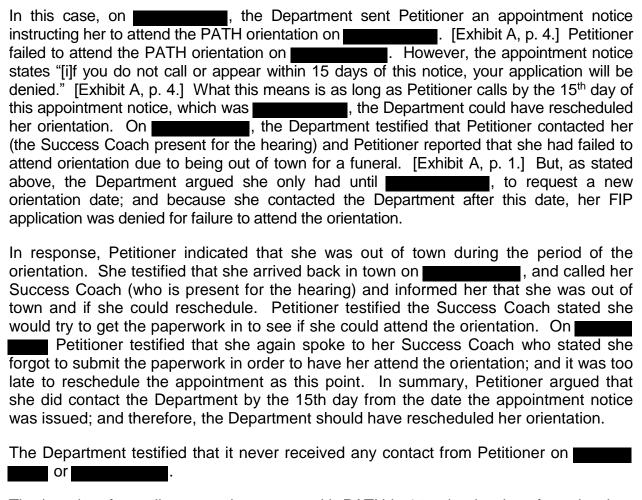
The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

Preliminary matter



FIP application

Clients must complete a 21-day PATH application eligibility period (AEP) in order for their FIP application to be approved. BEM 229 (October 2015), p. 1. PATH participants must complete all of the following in order for their FIP application to be approved: begin the AEP by the last date to attend as indicated on the DHS-4785, PATH Appointment Notice; complete PATH AEP requirements; and continue to participate in PATH after completion of the 21-day AEP. BEM 229, p. 1. The Department denies the FIP application if an applicant does not complete all of the above three components of the AEP. BEM 229, p. 1. The Department will automatically issue a DHS-4785, PATH Program Appointment Notice, at application, member add, or when a client loses a deferral to schedule an appointment for each mandatory PATH participant. BEM 229, pp. 5-6.



The last date for a client to make contact with PATH is 15 calendar days from the date of the PATH referral and the DHS-4785, PATH Appointment Notice, are sent. BEM 230A (October 2015), p. 5. If the client calls to reschedule before the 15th day, the Department extends the Last Date for Client Contact on One-Stop Management Information System (OSMIS). BEM 230A, p. 5. Either the Department or the one-stop service center have the capability of extending this date. BEM 230A, p. 5, and see also BEM 229, p. 7, (Either the Department or the one-stop service center may extend the

last day the client has to attend AEP/orientation when necessary. Extend this date directly on OSMIS before the 15th day passes).

Based on the foregoing information and evidence, the Department properly denied Petitioner's FIP application effective , in accordance with Department policy. As shown in the above policy, Petitioner would have had to call the Department by the 15th day from the date the appointment notice was sent, which was in order to reschedule her orientation date. BEM 230A, p. 5. The Department presented credible testimony and evidence showing that Petitioner failed to call by The Department presented a Hearing Summary (DHS-3050), which stated that Petitioner contacted the Department on which was after the time period she could have rescheduled her orientation date. [Exhibit A, p. 1.] The Hearing Summary bolster's the Department's testimony that Petitioner failed to call by the 15th day. Petitioner claimed that she called the Department on these dates.

Accordingly, the undersigned finds that the Department established by preponderance of evidence that Petitioner failed to attend the PATH orientation on that she contacted the Department within 15 days of the appointment notice; and therefore, the FIP application was properly denied.

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 properly denied Petitioner's FIP application effective

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

IT IS ALSO ORDERED that Petitioner's FAP hearing request is DISMISSED.

EJF/jaf

Éric J. Feldman

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**

Petitioner

