



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: August 18, 2017
MAHS Docket No.: 17-007976
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; 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 telephone hearing was held on August 10, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Family Independence Manager, and [REDACTED] [REDACTED] Family Independence Specialist.

ISSUE

Did the Department properly deny Petitioner's Family Independence Program (FIP) application 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. On April 5, 2017, Petitioner applied for FIP. Department Exhibit 1, pgs. 2-19.
2. On April 6, 2017, the Department sent Petitioner a Verification Checklist, DHS 3503, for Petitioner's Health Care Provider to submit a completed Medical Needs, DHS 54A, that was due by April 17, 2017. Department Exhibit, pgs.21-24.
3. On April 6, 2017, the Department sent Petitioner a PATH Appointment Notice, DHS-4785, for an appointment on April 17, 2017. Department Exhibit, pg. 25.

4. On April 26, 2017, the Department Caseworker documented in Petitioner's case file that she was a no show for PATH and medical documentation was not received. Department Exhibit, pg. 20 and 27.
5. On April 27, 2017, the Department sent Petitioner a Notice of Case Action that her FIP application was denied because she failed to attend PATH program. Department Exhibit, pg. 28-29.
6. On June 9, 2017, Petitioner filed a hearing request, 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.

In this case, Petitioner applied for FIP on April 5, 2017. Department Exhibit 1, pgs. 2-19. On April 6, 2017, the Department sent Petitioner a Verification Checklist, DHS 3503, for Petitioner's Health Care Provider to submit a completed Medical Needs, DHS 54A, that was due by April 17, 2017. Department Exhibit, pgs.21-24. On April 6, 2017, the Department sent Petitioner a PATH Appointment Notice, DHS-4785, for an appointment on April 17, 2017. Department Exhibit, pg. 25.

On April 26, 2017, the Department Caseworker documented in Petitioner's case file that she was a no show for PATH and medical documentation was not received. Department Exhibit, pg. 20 and 27. On April 27, 2017, the Department sent Petitioner a Notice of Case Action that her FIP application was denied because she failed to attend PATH program. Department Exhibit, pg. 28-29. On June 9, 2017, Petitioner filed a hearing request, contesting the Department's negative action. BAM 105, 130, 210, 220, and 600. BEM 228, 229, 230A, 233A, 400, and 500.

During the hearing, the Department Caseworker testified that she told Petitioner that the medical documentation previously provided were 3 months old on April 6, 2017. She was sending Petitioner a new 54E and 54A to be completed in order to be deferred from PATH. Petitioner did not submit the required verification nor did she attend PATH so her FIP application was denied.

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 FIP application because she failed to participate in the PATH program.

DECISION AND ORDER

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



CF/md

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]