



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: September 18, 2017  
MAHS Docket No.: 17-010559  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Gary Heisler

**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 September 14, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Petitioner's case worker, Family Independence Specialist [REDACTED] [REDACTED]

**ISSUES**

Did the Department properly sanction Petitioner's Family Independence Program (FIP) for noncompliance with the Partnership, Accountability, Training, Hope (PATH) program?

Did the Department properly sanction Petitioner's Food Assistance Program for noncompliance with the Partnership, Accountability, Training, Hope (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 an ongoing recipient of Family Independence Program (FIP) and Food Assistance Program benefits. Petitioner was deferred from participation in Partnership, Accountability, Training, Hope (PATH) as an eligibility requirement for Petitioner to receive benefits under these programs.
- (2) On June 9, 2017, Petitioner's deferral from PATH participation expired. Petitioner was sent a PATH Appointment Notice (DHS-4785) which

required PATH attendance beginning June 19, 2017. The notice was sent to Petitioner's address of record as reported to the Department.

- (3) On June 19, 2017, Petitioner left a voicemail message for FIS [REDACTED] inquiring about the PATH program.
- (4) On June 29, 2017, Petitioner had not attended PATH. Petitioner was sent a Notice of Non-Compliance (DHS-2444). The notice stated this was Petitioner's 2<sup>nd</sup> noncompliance of both the Family Independence Program (FIP) and Food Assistance Program (FAP) and that both programs would be closed for a minimum of 6 months. The notice also scheduled a triage meeting for July 6, 2017. Petitioner was also sent a Notice of Case Action (DHS-1605) stating that the Family Independence Program (FIP) and Food Assistance Program would be sanctioned.
- (5) On July 6, 2017, Petitioner did not participate in the scheduled triage meeting. The Department determined there was no good cause for Petitioner's failure to participate in employment and/or self-sufficiency related activities.
- (6) On July 11, 2017, Petitioner left a voicemail message for FIS [REDACTED] reporting a change of address.
- (7) On August 1, 2017, Petitioner submitted a request for hearing.

### **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.

Bridges Eligibility Manual (BEM) 233A Failure To Meet Employment and/or Self-Sufficiency Related Requirements: FIP, provides guidance for administration of the Partnership, Accountability, Training, Hope (PATH) program. The policy identifies participation requirements, actions that are noncompliant, the consequences of noncompliance, and the definition of good cause for noncompliance.

**Noncompliance** of applicants, recipients, or member adds means doing **any** of the following **without** good cause:

Failure to complete a FAST or FSSP results in closure due to failure to provide requested verification. Clients can reapply at any time.

- 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 FSSP process.
  - Develop a Family Self-Sufficiency Plan (FSSP).
  - 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.

Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the noncompliant person. A claim of good cause must be verified and documented for member adds and recipients.

The Department alleged that Petitioner was noncompliant because she did not attend PATH as assigned and did not attend the scheduled triage meeting. Petitioner does not dispute that she did not attend PATH or the scheduled triage meeting. Petitioner asserts she had good cause because she did not receive the notices in time. Petitioner testified that she did receive the notices but only after the dates for attending PATH and the triage meeting.

The proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976). During this hearing Petitioner testified that: the address of record the notices were sent to was a friend of the family; she does not remember the date she moved out; she left there on good terms with the resident; she put in a change of address with the Post Office but does not remember the date she did that; and she does not remember the date she reported her new address to the Department.

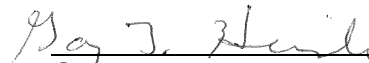
During this hearing FIS [REDACTED] testified that Petitioner left him a voicemail message on June 19 about the PATH program. He also testified that Petitioner left him a voicemail message on July 11, 2017 reporting an address change. This unrefuted evidence shows that the Department's June 9, 2017 PATH Appointment Notice (DHS-4785) was sent to Petitioner's address of record, as reported by her. It also shows that Petitioner was aware of the PATH participation requirement prior to the date she was determined non-compliant. Third, it shows that the Notice of Non-Compliance (DHS-2444) which scheduled a triage meeting for July 6, 2017 was sent to Petitioner's address of record, as reported by her.

The evidence presented at this hearing is not sufficient to establish that Petitioner had good cause for her failure to attend PATH in accordance with Department policy. 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 sanctioned Petitioner's Family Independence Program (FIP) and Food Assistance Program (FAP) for noncompliance with the Partnership, Accountability, Training, Hope (PATH) program.

### **DECISION AND ORDER**

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

GH/nr



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Gary Heisler  
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]