



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR



Date Mailed: October 10, 2017  
MAHS Docket No.: 17-011604  
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 October 5, 2017, from [REDACTED], Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator, [REDACTED], Family Independence Specialist, [REDACTED], Triage Specialist, and [REDACTED], Triage Specialist.

**ISSUE**

Did the Department properly close Petitioner's Family Independence Program (FIP) case for a 3<sup>rd</sup> lifetime sanction 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, which required her to participate in the PATH program.
2. On [REDACTED] Petitioner signed a Noncompliance Policy Excerpt for PATH Orientation that explained the noncompliance policies of the PATH program. Department Exhibit 1, pg. 21.

3. On [REDACTED], Petitioner was given an Appointment with Career Manager by hand for an appointment on Friday, [REDACTED], at 3:00 p.m. to check stubs and/or employment verification form and job search logs. Department Exhibit 1, pg. 22.
4. On [REDACTED], Petitioner was given a Noncompliance Warning Notice, WR 241 because she had not logged enough hours to be federally compliant for the month of June. Department Exhibit 1, pgs. 18-20.
5. On [REDACTED], Petitioner signed a PATH Reengagement Agreement, WR 242, stating that she was reengaging in PATH and agreed to complete activities as assigned, turn in documentation as required, contact the MWA if she needed supportive services, and comply with the requirements of the PATH program. Department Exhibit 1, pg. 17.
6. On [REDACTED], Petitioner did not attend PATH for a meeting to turn in her job search and employment verification. She was warned on [REDACTED]. Department Exhibit 1, pg. 14.
7. On [REDACTED], the PATH Coordinator sent Petitioner a Triage Meeting Notice, WR 243, that Petitioner has missed her appointment on [REDACTED] and that she was warned on [REDACTED]. Department Exhibit 1, pgs. 14-16.
8. On [REDACTED], the Department sent Petitioner a Notice of Noncompliance, DHS-2444, because she missed a PATH appointment/meeting, for a triage appointment on [REDACTED] to determine good cause. This was Petitioner's third non-compliance and her FIP case would be closed for a lifetime. Department Exhibit 1, pgs. 8-9.
9. On [REDACTED], the Department sent Petitioner a Notice of Case Action, DHS 1605, of her FIP case closure for a lifetime effective [REDACTED], due to non-participation in the PATH program. Department Exhibit 1, pgs. 4-7.
10. On [REDACTED], Petitioner attended her PATH triage meeting. Petitioner stated that she had gotten a job and was waiting for her background check. She had a voicemail of the job offer. However, Petitioner failed to turn in her job search and employment verification for the contested time period. The Department found that Petitioner did not have good cause for missing her appointment and not submitting her job search logs and employment verification for the contested time period. This was her third sanction resulting in a case closure for a lifetime. Department Exhibit 1, pg. 13.
11. 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 (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.

In this case, Petitioner was a recipient of FIP, which required her to participate in the PATH program. On [REDACTED], Petitioner signed a Noncompliance Policy Excerpt for PATH Orientation that explained the noncompliance policies of the PATH program. Department Exhibit 1, pg. 21. On [REDACTED], Petitioner was given an Appointment with Career Manager by hand for an appointment on Friday, [REDACTED], at 3:00 p.m. to check stubs and/or employment verification form and job search logs. Department Exhibit 1, pg. 22.

On [REDACTED], Petitioner was given a Noncompliance Warning Notice, WR 241 because she had not logged enough hours to be federally compliant for the month of June. Department Exhibit 1, pgs. 18-20. On [REDACTED], Petitioner signed a PATH Reengagement Agreement, WR 242, stating that she was reengaging in PATH and agreed to complete activities as assigned, turn in documentation as required, contact the MWA if she needed supportive services, and comply with the requirements of the PATH program. Department Exhibit 1, pg. 17. On [REDACTED], Petitioner did not attend PATH for a meeting to turn in her job search and employment verification. She was warned on [REDACTED]. Department Exhibit 1, pg. 14.

On [REDACTED], the PATH Coordinator sent Petitioner a Triage Meeting Notice, WR 243, that Petitioner has missed her appointment on [REDACTED], and that she was warned on [REDACTED]. Department Exhibit 1, pgs. 14-16. On [REDACTED], the Department sent Petitioner a Notice of Noncompliance, DHS-2444, because she missed a PATH appointment/meeting, for a triage appointment on [REDACTED] to determine good cause. This was Petitioner's third non-compliance and her FIP case would be closed for a lifetime. Department Exhibit 1, pgs. 8-9. On [REDACTED], the

Department sent Petitioner a Notice of Case Action, DHS 1605, of her FIP case closure for a lifetime effective [REDACTED], due to non-participation in the PATH program. Department Exhibit 1, pgs. 4-7.

On [REDACTED], Petitioner attended her PATH triage meeting. Petitioner stated that she had gotten a job and was waiting for her background check. She had a voicemail of the job offer. However, Petitioner failed to turn in her job search and employment verification for the contested time period. The Department found that Petitioner did not have good cause for missing her appointment and not submitting her job search logs and employment verification for the contested time period. This was Petitioner's third sanction resulting in a case closure for a lifetime. Department Exhibit 1, pg. 13. On August 29, 2017, Petitioner filed a hearing request, protesting the Department's actions. BAM 105, 130, 205, and 220. BEM 209, 210, 220, 221, 223, 225, 228, 229, 230A, 233A, 245, 255, 400, and 500.

During the hearing, Petitioner thought that her finding a job and receiving a job offer on [REDACTED], would meet participation. Petitioner failed to attend a PATH appointment on [REDACTED], to submit employment verification and logs, as required to continue to eligible for FIP benefits. Petitioner would have had to continue to submit job search and community logs until her job started. She did not attend PATH as required to continue to receive FIP benefits. Petitioner did not have good cause for missing PATH on [REDACTED]. Petitioner did not actually start her job until [REDACTED] and only works 24 hours a week. Her required participation for PATH is 30 hours a week so she would still be required to complete 6 hours of job search or community service. This was Petitioner's third non-compliance on [REDACTED], and her FIP case will be closed for lifetime. Petitioner had her first noncompliance on [REDACTED], and her second noncompliance on [REDACTED]. Department Exhibit 1, pg. 11. Since this is a third noncompliance that would require a lifetime sanction for FIP, the Department conducted a review of Petitioner's case as required by Department policy on [REDACTED] by a manager where it was determined that the lifetime sanction was correctly applied. Department Exhibit 1, pg. 12.

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 closed Petitioner's FIP case for a lifetime for not participating with the PATH program for a third noncompliance.

**DECISION AND ORDER**

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

CF/hb



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**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]