

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.: Petitioner:

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 Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Hearing Facilitator, Triage Specialist, and Triage Specialist.

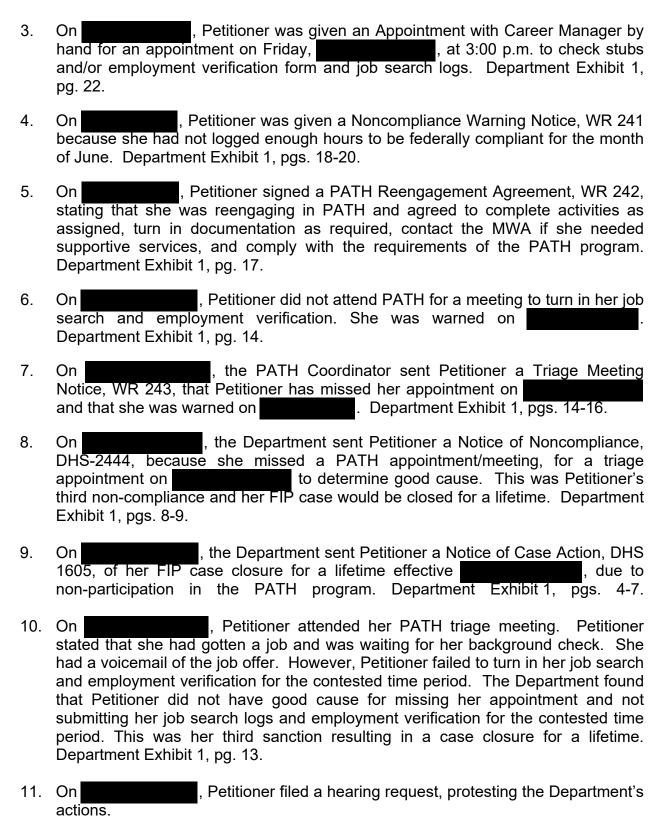
ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) case for a 3rd 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 Petitioner signed a Noncompliance Policy Excerpt for PATH Orientation that explained the noncompliance policies of the PATH program. Department Exhibit 1, pg. 21.

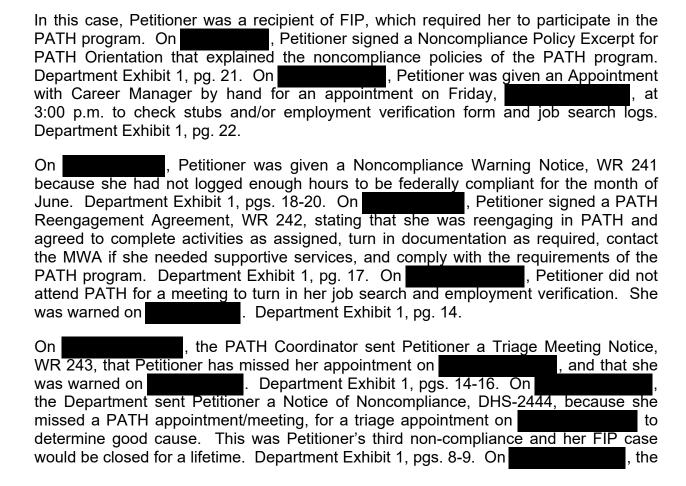


CONCLUSIONS OF LAW

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.



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

On 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 , would meet participation. Petitioner failed to attend a PATH appointment , 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 . Petitioner did not actually start her job until 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 , and her FIP case will be closed for lifetime. Petitioner had her first noncompliance on , and her second noncompliance on . 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 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

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

Petitioner