



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: April 7, 2017
MAHS Docket No.: 17-002579
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 [REDACTED], from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED].

ISSUE

Did the Department properly close the Petitioner's Family Independence Program (FIP) benefits?

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 [REDACTED], Department sent the Petitioner a Notice of Noncompliance for failure to participate as required in employment related activities.
2. On [REDACTED] the Department sent the Petitioner a Notice of Case Action informing her that her FIP benefits were scheduled to close effective [REDACTED]. In addition, the notice informed the Petitioner of a decrease in her FAP benefits.
3. On [REDACTED], the Department held a triage with the Petitioner and no good cause was found for the Petitioner's absences and failure to turn in required work product. (Exhibit B).

4. On [REDACTED], The Petitioner requested a hearing to protest the closure of her FIP benefits.

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, the Petitioner was assigned to Partnership.Accountability.Training.Hope. (PATH); and PATH notified the Petitioner of scheduled meetings that required the mandatory attendance of the Petitioner. The Department scheduled mandatory PATH meetings first on Thursdays and subsequently on Wednesdays. (Petitioner's Exhibit, C-1).

The Petitioner testified that the change in days for these mandatory meetings was confusing and caused schedule problems. The Petitioner argued with the PATH personnel that people with young children cannot have their assignments changed due to school concerns. The Department response is that the Petitioner's child is [REDACTED] years old and in school, and that the Petitioner had been notified well in advance (3 weeks) of the change of days.

The documentation provided by the Department shows repeated failures, on the part of the Petitioner to comply with PATH. (Exhibit B).

The Department states that in four weeks of PATH activities, the Petitioner turned in 2 out of 12 Work Search Logs. The Petitioner also failed to attend two job interviews and turned down two job offers.

The undersigned ALJ finds that the Department was correct in finding the Petitioner noncompliant with PATH. The Petitioner's attendance and performance record with PATH was the determining factor as it appears it was at the triage held [REDACTED]

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 closed the Petitioner's FIP benefits.

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

MJB/jaf



Michael J. Bennane
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]

[REDACTED]