



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: January 23, 2018
MAHS Docket No.: 17-009487
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Denise McNulty

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 September 7, 2017, from Detroit, Michigan. The Petitioner represented herself. The Department of Health and Human Services (Department) was represented by ██████ ██████, Hearing Facilitator and ██████ ██████, Family Independence Manager.

ISSUE

1. Did the Department properly close Petitioner's Family Independence Program (FIP) benefits?
2. Did the Department properly determine Petitioner's Food Assistance Program (FAP) 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. Petitioner was a recipient of FIP and FAP benefits.
2. On September 23, 2016, Petitioner provided the Department with a Medical Needs-Partnership.Accountability.Training.HOPE. (PATH) form to document her need for a deferral from the PATH program for 12 weeks. The Department provided her with a 12-week deferral in accordance with policy. [Exhibit A, p. 1.]

3. On January 3, 2017, Petitioner provided the Department Medical Needs-PATH form, signed by a medical doctor, indicating that Petitioner's infant child would need neurosurgery. The form did not state a time period for the necessity for Petitioner to be with her child 24 hours per day. [Exhibit A, pp. 2-3.]
4. On March 1, 2017, the Department sent Petitioner a PATH Appointment Notice notifying her that she was scheduled to appear at Michigan Works in Roseville on March 13, 2017. [Exhibit A, p. 4.] Petitioner did not attend the appointment.
5. The Department sent Petitioner a Notice of Noncompliance on March 20, 2017. Petitioner was notified that this was her first time she was non-compliant with FIP requirements, and the penalty was case closure for a minimum of three months. [Exhibit A, pp. 5-6.]
6. On March 20, 2017, the Department sent Petitioner a Notice of Case Action notifying her that her FIP case would close effective May 1, 2017, through July 31, 2017. [Exhibit A, pp. 7-10.]
7. On March 30, 2017, the Department received Petitioner's request for hearing disputing the Department's actions regarding FAP and FIP benefits. [Exhibit A, pp. 16-17.] Petitioner's benefits were restored pending hearing. A hearing was scheduled for May 3, 2017. Notice of hearing was provided to Petitioner, she failed to appear; and the hearing was dismissed. [Exhibit A, p. 18.]
8. The Department sent Petitioner a Notice of Case Action, dated May 24, 2017, notifying her that her FIP case would close effective July 1, 2017, and benefit restoration had been removed because her hearing was dismissed. [Exhibit A, pp. 20-23.]
9. On July 11, 2017, the Department received Petitioner's request for hearing regarding FIP and FAP benefits. [Exhibit A, pp. 24-26.]

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 requested a hearing to dispute the Department's decision with respect to her FIP benefits. The Department testified that Petitioner failed to engage in employment/self-sufficiency-related activities, resulting in her noncompliance.

At the commencement of the hearing, Petitioner withdrew her hearing request with respect to FAP benefits as she was satisfied with the Department's actions. The portion of the hearing request that concerns Petitioner's FAP benefits is dismissed. The remainder of the decision will address Petitioner's FIP benefits.

The Department held Petitioner in non-compliance with FIP requirements and her benefits were initially scheduled to close effective May 1, 2017. [Exhibit A, pp. 5-10.] The Department alleged Petitioner failed to attend an appointment at Michigan Works without good cause. Petitioner requested a hearing to dispute the Department's actions and then failed to attend the May 3, 2017, hearing. As a result, the Department mailed Petitioner a May 24, 2017, Notice of Case Action advising her that the benefit restoration had been removed and her case scheduled to close effective July 1, 2017.

As a condition of continued FIP eligibility, work eligible individuals are required to participate in a work participation program or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (October 2015), p. 1; BEM 233A (April 2016), p. 1. A Work Eligible Individual (WEI) who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized. BEM 233A, p. 1. Noncompliance with self-sufficiency-related activities includes failing to appear and participate with Partnership.Accountability.Training.Hope. (PATH) or other employment or other service provider. BEM 233A, p. 2. Penalties include case closure for a minimum of three months for the first episode of noncompliance, six months for the second episode of noncompliance and lifetime closure for the third episode of noncompliance. BEM 233A, p. 1. Noncompliance with FIP-related employment activities includes the client's failure to appear for a scheduled appointment or meeting related to assigned activities. BEM 233A, p. 2.

The Department testified that the required triage meeting was held on March 30, 2017, at which Petitioner was advised that the January 2017, medical needs-PATH form was insufficient to continue to provide her with a deferral from FIP requirements. Petitioner has received deferrals in the recent past based on daughter's medical needs. [Exhibit A, pp. 1-3.] The January 2017, medical needs form did not specify the duration of a need for deferral. Petitioner was provided with a new medical needs form.

The Department deferred its decision regarding whether Petitioner had good cause for failing to attend the March 2017 appointment at Michigan Works and provided her with an April 3, 2017, appointment with Michigan Works. Petitioner did not attend the April 3rd appointment nor did she submit a medical needs form from which a deferral could be granted. Petitioner last submitted a medical needs-PATH form in April 2017, and it too was insufficient for a deferral as it did not provide a duration of the need for a deferral.

The penalty for noncompliance without good cause is FIP benefit closure. BEM 233A (April 2016), p. 8. Benefits remain closed for at least three calendar months for the first occurrence of noncompliance. BEM 233A, p. 8. The Department did not grant Petitioner a deferral from the FIP requirement to engage in employment/self-sufficiency-related activities. Petitioner did not demonstrate that she had good cause for failing to attend the March 2017 and April 2017 appointments at Michigan Works. Petitioner had ample opportunity to obtain the required medical needs form information for a deferral, and she failed to do so. Therefore, it is found that she was required to attend the appointment to remain in compliance with FIP requirements for receipt of benefits.

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 Petitioner's FIP benefits from July 1, 2017, through September 30, 2017.

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

It is further **ORDERED**, that since Petitioner withdrew her request for hearing with respect to her FAP benefits the hearing request as it concerns FAP benefits is hereby **DISMISSED**.

DM/jaf



Denise McNulty

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]

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