



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: January 26, 2018
MAHS Docket No.: 17-015962
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Michael Crews

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 January 17, 2018 from Detroit, Michigan. The Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Triage Specialist.

ISSUE

Did the Department properly close 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. Petitioner applied for FIP benefits in January 2017 and requested a deferral from participation in PATH due to a medical disability.
2. Petitioner was approved for FIP benefits, but deferred from participation in PATH while her disability deferral request was pending.
3. The Department received a denial for Petitioner's deferral request from the Medical Review Team on October 20, 2017 (Exhibit A, pp. 6-13).
4. The Department mailed a PATH appointment notice dated October 27, 2017 to Petitioner for November 8, 2017 (Exhibit A, p. 14).

5. Petitioner did not appear for her PATH appointment as required and the Department mailed a Notice of Noncompliance (notice) dated November 15, 2017 to Petitioner (Exhibit A, p. 15). The notice informed Petitioner of a triage appointment with the Department on November 22, 2017 to give Petitioner an opportunity to report and verify her reasons for non-compliance.
6. The notice further informed Petitioner that a first non-compliance resulted in closure of her FIP case for a minimum of three months (Exhibit A, p. 16).
7. The Department also mailed a Notice of Case Action dated November 15, 2017 to Petitioner and informed her that her FIP case would be closed effective December 1, 2017 (Exhibit A, p. 17).
8. Petitioner failed to appear for the triage appointment on November 22, 2017 and Petitioner failed to provide any additional medical documentation prior to the case closure.
9. On December 8, 2017, Petitioner submitted a hearing request to dispute the Department's action.

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.

FIP is a temporary cash assistance program to support a family's movement to self-sufficiency. The Department requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered while receiving FIP benefits. BEM 233A (April 2016), p. 1.

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. If it is determined during triage the client has good cause, and good cause issues have been resolved, the client can be sent back to PATH. Good cause includes if the client is physically or mentally unfit for the job or activity, as shown by medical evidence or other reliable information. This includes any disability-related

limitations that preclude participation in a work and/or self-sufficiency-related activity. BEM 233A, pp. 4-5.

A Work Eligible Individual (WEI) and non-WEIs who fails, without good cause, to participate in employment or self-sufficiency-related activities can be penalized as follows depending on the case situation: 1) delay in eligibility at application; 2) ineligibility (denial or termination of FIP with no minimum penalty period); 3) 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.

In this case, Petitioner submitted a hearing request to dispute the Department's action when it closed her FIP case due to noncompliance with PATH.

Petitioner acknowledged that she did not attend the PATH or triage appointments. Petitioner testified that she received the Department's correspondence regarding her PATH appointment, the triage appointment, and the notice of noncompliance, but she did not timely retrieve the mail from her mailbox. Petitioner stated that she was not aware of the importance of the correspondence.


Petitioner maintained that she submitted new medical documentation to the Department on or about November 28, 2017; however, the Department stated that the medical documentation was similar to prior documentation submitted by Petitioner and did not reflect any change in her condition. At the hearing, Petitioner was advised that she could reapply for FIP benefits, after the three month penalty period expired, and request a deferral based on new documentation which showed a change in her condition.

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 due to noncompliance.

DECISION AND ORDER

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

MC/tm


Michael Crews
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

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