



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: March 30, 2018
MAHS Docket No.: 18-000822
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 March 28, 2018, from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payments Supervisor and [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly deny the Petitioner's Family Independence Agency (FIP) cash assistance?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Petitioner withdrew her hearing request dated January 18, 2018 regarding the amount of her Food Assistance benefits, and testified on the record that the matter was resolved and she no longer wished to have a hearing regarding her FAP benefits.
2. The Petitioner applied for FIP cash assistance on January 4, 2018. Exhibit A, pps. 4-46.

3. The Department issued a Notice of Case Action on January 8, 2018 denying the Petitioner's FIP cash assistance application effective February 1, 2018 due to failing to participate in employment related activities for the third time without good cause. The Notice stated the group is no longer eligible for FIP benefits. Exhibit C, pps. 49-55.
4. The Department's Non-Cooperation Summary indicated that the Petitioner had received 4 sanctions due to non-compliance with Path requirements without good cause on the following dates: February 2, 2009, November 13, 2009, September 20, 2010 and July 30, 2014. Exhibit B
5. The Petitioner requested a timely hearing on January 18, 2018.

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 Department presented evidence that Petitioner was no longer eligible for FIP cash assistance due to having received 3 or more sanctions for non-compliance with the Path program work participation requirements. Exhibit B. Department policy provides:

Individual Penalty Counter

Bridges applies noncooperation penalties at an individual level.

Two parent families will have two individual penalty counters. The FIP EDG penalty is applied based on the individual penalty counter.

The penalty for noncompliance without good cause is FIP EDG closure. Effective October 1, 2011, the following minimum penalties apply:

- For the individual's first occurrence of noncompliance, Bridges closes the FIP EDG for not less than three calendar months.
- For the individual's second occurrence of noncompliance, Bridges closes the FIP EDG for not less than six calendar months.
- **For the individual's third occurrence of noncompliance, Bridges closes the FIP EDG for a lifetime sanction.**

The individual penalty counter begins April 1, 2007. Individual penalties served after October 1, 2011 will be added to the individual's existing penalty count. BEM 233A, (April 2016, p.8.

Based upon the evidence presented the Petitioner's penalty counter demonstrated the following non-compliances with the Path Program requirements without good cause occurred on February 2, 2009, November 13, 2009, September 20, 2010 and July 30, 2014. Exhibit B. As can be seen the Petitioner had 4 non compliances with Path requirements as of July 30, 2014. Thus, the Department correctly denied the Petitioner's FIP cash assistance application. At the hearing the Petitioner sought to present evidence regarding one of the disqualifications. BAM 600 requires that all hearing request be received within 90 days of from the date of the Notice of Case Action and action of the Department appealed from. In this case the last imposition of a penalty for non-compliance with Path occurred on July 30, 2014 and the time to request a hearing is well past thus no revisiting of that penalty was conducted at the hearing.

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 denied the Petitioner's January 4, 2018 FIP cash assistance application due Petitioner being permanently disqualified from receiving FIP cash assistance due to non cooperation with work participation activities involving the Path Program for at least a third time.

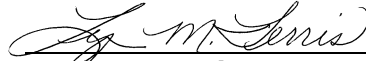
DECISION AND ORDER

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

At the hearing, the Petitioner withdrew on the record her Hearing Request dated January 18, 2018 regarding her Food Assistance benefits. Accordingly, the Petitioner's hearing request dated January 18, 2018 regarding her **Food Assistance** benefits is hereby, **DISMISSED**.

IT IS SO ORDERED.

LF/tm



Lynn M. Ferris
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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