



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 27, 2018
MAHS Docket No.: 18-001112
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 26, 2018, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by [REDACTED].

ISSUE

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

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 September 29, 2017, the Department issued a packet to the Petitioner seeking additional information about Petitioner's medical condition and disability status in order to determine eligibility for and participation in the Partnership, Accountability, Training, Hope (PATH) program.
2. The following forms were included in the September 29, 2017, packet: DHS-3503 medical Determination Verification Checklist, DHS-1555 Authorization to Release Protected Health Information, DHS-0049-F Medical Social Questionnaire, DHS-0054-Employer Medical Needs-JET, DHS-0049-FR Social Summary, DHS-0049-G Activities of Daily Living, DHS-1552 Verification of Application or Appeal, DHS-3975 Reimbursement Authorization, and a DHS-0100 Quick Note.

3. On November 2, 2017, the Department issued a PATH Appointment Notice with the appointment scheduled for November 14, 2017, at 8:30 AM at the Livonia office of the Michigan Works! Agency (MWA).
4. On November 21, 2017, the Department issued a Notice of Noncompliance because Petitioner failed to appear at the scheduled PATH appointment at MWA; the Department scheduled a triage appointment for Petitioner on November 28, 2017, at 9:00 AM.
5. Petitioner did not appear for the triage appointment.
6. On January 3, 2018, the Department issued a Notice of Case Action holding the Petitioner ineligible for FIP benefits based upon her failure to participate in the PATH program.
7. On the same day, the Department issued a Notice of Case Action notifying Petitioner that her Food Assistance Program (FAP) benefits would close effective February 1, 2018, for failure to participate in the employment and/or self-sufficiency-related activities.
8. On January 17, 2018, Petitioner received two faxed notes from [REDACTED] [REDACTED] discussing Petitioner's condition and prescription.
9. On January 25, 2018, Petitioner submitted a hearing request disputing 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, Petitioner's FIP case was closed upon her failure to attend the scheduled PATH meeting on November 14, 2017. The FIP is a temporary cash assistance program to support a family's movement toward self-sufficiency. BEM 230A (January 2018), p. 1. Federal and state laws require each work eligible individual in the FIP group to participate in PATH or engage in activities that meet participation requirements. *Id.* A work eligible individual who refuses, without good cause, to

participate in an assigned employment and/or other self-sufficiency related activities is subject to penalties. *Id.* Individuals may be deferred from referral to the PATH program if the individual is a recipient of Retirement, Survivors and Disability Insurance (RSDI) based on disability or blindness and persons found eligible for RSDI based on disability or blindness who are in non-pay status. BEM 230A, pp. 10-11. Persons with a mental or physical illness, limitation, or incapacity expected to last less than three months and which prevents participation may be deferred for up to three months. BEM 230A, p. 11. Short term incapacity and its length can be verified by using a DHS-54A, Medical Needs, or DHS-54E Medical Needs-PATH form, or other written statement from an Medical Doctor, Doctor of Osteopathic Medicine, or Physician's Assistant. *Id.* For long-term incapacity clients, those that have an incapacity, disability, or inability to participate in PATH for more than 90 days, the client is deferred in Bridges. *Id.* Once a client claims a disability, he/she must provide the Department with verification of the disability showing it will last longer than 90 days. BEM 230A, p. 12. If the client fails to return the information, a disability is not established; the client will be required to fully participate in PATH as a mandatory participant. *Id.*

In this case, Petitioner admits to not returning any of the required forms mailed to her on September 29, 2017, by the Department. Instead, she has repeatedly provided two doctor's notes to the Department indicating she cannot drive, work from heights, or operate heavy machinery for six months, and that she should be off of work for three months. While these letters provide some insight into her situation, the Department required additional information which could be gleaned from the forms sent to her on September 29, 2017. Since Petitioner did not return the requested forms, she is required to fully participate in the PATH program. *Id.*

Mandatory PATH clients are referred to PATH upon application for FIP, when a client's reason for deferral ends, or a member add is requested. BEM 229 (October 2015), p. 3. Bridges generates an automated PATH referral and appointment notice. BEM 229, pp. 3-6. Bridges automatically denies FIP applicants that are still pending or creates a record of noncompliance when a client's deferral is ended, and PATH attendance has not been entered by MWA 17 days after the day the referral was made. BEM 220, p. 5. To apply a FIP PATH noncompliance penalty to a FAP case, the client must be active in both FIP and FAP at the time of the noncompliance. BEM 229, p. 6. Good cause for noncompliance may be established when a client has 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. BEM 233A (April 2016), p. 4. Noncompliance by a work eligible individual while the application is pending results in group ineligibility or for those who already have active FIP cases, closure of the FIP case. BEM 233A, pp. 7-8.

Petitioner did not attend the PATH appointment nor did she attend the triage appointment. She has not provided good cause for her failure to participate. Therefore, her case was properly closed by the Department.

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.

DECISION AND ORDER

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



AM/

Amanda M. T. Marler
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]
[REDACTED]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
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