



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: April 6, 2018  
MAHS Docket No.: 18-001114  
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 April 5, 2018, from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Lead Worker.

**ISSUE**

Did the Department properly deny the Petitioner's application for Family Independence Program (FAP) 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 applied for FIP on January 3, 2018 for herself and her family.
2. The Department issued a Notice of Case Action on January 8, 2018 effective February 1, 2018 denying Petitioner's application for FIP stating: For at least the third time, you or a group member failed to participate in employment and/or self-sufficiency related activities. The group is no longer eligible for FIP benefits.
3. The Petitioner was found in non-compliance without good cause with the JET/ Path program requirements on May 11, 2011, November 14, 2011 and March 5, 2013, after a triage was held. Exhibit B

4. The Petitioner received FIP cash assistance for the periods prior to her being found in non-compliance with the JET/PATH program requirements. Exhibit D and Exhibit F
5. At the time of her 3<sup>rd</sup> sanction and lifetime disqualification from receiving FIP cash assistance for failure to participate in the JET/PATH program requirement, the Petitioner was sent a Notice of Case Action on March 6, 2013 which closed her case effective April 1, 2013. In the Notice, the reason for closure advised the Petitioner: For at least the third time you or a group member failed to participate in employment and/or self-sufficiency related activities... The group is no longer eligible for FIP benefits. Exhibit E
6. The Petitioner requested a timely hearing on January 25, 2018 protesting the denial by the Department of her FIP application.

### **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 denied the Petitioner's January 3, 2018 FIP application because in April of 2013 the Petitioner received her third and final sanction for failure to comply with the JET/Path program requirements. The Department presented proof of the three prior sanctions and the dates they were imposed after triages were held. In addition, the Final Notice of Case Action issued on March 6, 2013 was presented which was sent to Petitioner at the time of her 3<sup>rd</sup> and final sanction and which was a lifetime disqualification. Exhibit E. The Department also presented JET/Path case notes provided by the program which also indicated non-participation and/or no compliance with the program participation requirements. Exhibit C.

The noncompliance penalties for active FIP recipients is as follows:

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.

The Petitioner for her part responded that she never received notice of the triages and could only remember one time where she was sanctioned and did not receive FIP benefits for a long time. A review of the notes indicates that at the time the sanctions were imposed a triage was scheduled and held. Exhibit C. In addition, the eligibility summary for FIP benefits indicated that Petitioner was an ongoing recipient of FIP benefits at all times prior to her triages and sanctions. Exhibits C and D.

The time to challenge the third lifetime sanction was after the triage and within 90 days of the time of the Notice closing the FIP and imposing the sanction which would have been in April 2013. The Petitioner testified that she either did not get notice of the triage or was working and thus could not attend Path but provided no evidence of working and the Jet /Path case notes indicate otherwise.

Based upon the foregoing evidence presented by the Department, it is determined that the Department properly denied the Petitioner January 3, 2018 FIP application due to her 3<sup>rd</sup> and final sanction which disqualified Petitioner from receiving FIP benefits for the rest of her life.

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 FIP cash assistance application due to the Petitioner receiving a 3<sup>rd</sup> and final sanction resulting in a lifetime disqualification.

**DECISION AND ORDER**

Accordingly, the Department's decision is

**AFFIRMED.**

LF/tm



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**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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