



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: May 23, 2018
MAHS Docket No.: 18-003761
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 May 21, 2018, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Juanita Munoz, Hearing Facilitator and Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's application for 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 had been working with the Partnership. Accountability. Training. Hope. (PATH) program at the Dearborn Service Center of the Michigan Works! Agency (MWA) since June 2016 in relation to his previous FIP case.
2. On February 27, 2018, Petitioner emailed a paystub to his PATH liaison at the Dearborn Service Center of the Michigan Works! Agency (MWA).
3. On February 28, 2018, the Department received Petitioner's new application for FIP coverage.
4. On March 2, 2018, the Department alerted the Dearborn MWA office of Petitioner's first FIP case closure.

5. On March 6, 2018, the Department mailed Petitioner a PATH Appointment Notice scheduled for March 19, 2018, at 8:30 AM at the Southgate Service Center of MWA.
6. On March 14, 2018, the Southgate MWA office left a voicemail for Petitioner reminding him of the March 19th orientation; there is no indication in the Case Notes that the location of the orientation was included in the voicemail.
7. On March 19, 2018, Petitioner did not appear at the Southgate MWA office; the Southgate office called Petitioner and left a voicemail inquiring about his failure to attend but did not receive a response.
8. On March 29, 2018, the Department issued a Notice of Case Action denying Petitioner's FIP application for failure to attend the PATH orientation.
9. On April 2, 2018, the Department received Petitioner's request for hearing disputing the closure of his FIP case.

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 Petitioner's application for FIP benefits because he failed to attend a PATH orientation. 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.* 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.

The Department acknowledged at the hearing that it did not hold a triage with respect to Petitioner's March 29, 2018, noncompliance. Department policy provides that PATH

participants will not be terminated from a PATH program and may not have their FIP cases closed without the Department first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A, p. 9. However, triage appointments are not scheduled for instances of noncompliance while the FIP application is pending. BEM 233A, p. 9. If a work-eligible individual is in noncompliance while the application is pending, the group is ineligible for benefits. BEM 233A, p. 7. Good cause for noncompliance is a valid reason based upon factors beyond the control of the noncompliant person. BEM 233A, p. 4. It includes employment greater than 40 hours, the client being physically or mentally unfit, illness or injury, failure to provide reasonable accomodation, no child care, no transportation, discrimination, employment involving illegal activities, an unplanned event or factor such as a hospitalization, comparable work, or finally, a long commute. BEM 233A, pp. 4-6.

In this case, the Petitioner did not attend his PATH appointment because he did not realize that the Department had switched his PATH office. He admits that he received the PATH Appointment Notice. If Petitioner had read the PATH Appointment Notice fully, he would have seen that the address was provided on the notice. In addition, Petitioner did not provide any evidence that he showed up at the wrong location, but instead testified only that his PATH office was switched. If Petitioner had simply gone to the wrong office, he could have responded to the voicemail left by the correct office on his phone. But alas, he did not. Since Petitioner was informed of the date, time, and location of his PATH appointment, and because his failure to attend does not fall within one of the establish good cause categories, the Department acted in accordance with policy when it denied his application for FIP benefits.

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) 763-0155; 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

Jeanette Cowens
MDHHS-Wayne-41-Hearings

Petitioner

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MAHS