



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: June 6, 2018
MAHS Docket No.: 18-003960
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 June 4, 2018, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Anthony Couls, Assistance Payments Worker and Hearing Facilitator.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) case as a result of Partnership. Accountability. Training. Hope. (PATH) program noncompliance?

FINDINGS OF FACT

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

1. In August 2017, Petitioner applied for FIP benefits.
2. Petitioner received FIP benefits for the months between September 2017 and March 2018.
3. On January 31, 2018, the Department received Petitioner's Medical Needs-PATH form; however, the form contained discrepancies as to Petitioner's abilities and the Department could not utilize it.
4. Between January 31, 2018, and March 7, 2018, Petitioner did not submit any additional documentation to clarify her medical condition.

5. On March 8, 2018, Petitioner was scheduled for a PATH appointment; Petitioner intended to attend the appointment to provide additional medical documentation but did not attend due to transportation and child care issues.
6. On the same day, the Department issued a Notice of Noncompliance for failure to attend the PATH appointment and scheduled a triage appointment with Petitioner for March 15, 2018, at 9:00 AM.
7. In addition, the Department also issued a Notice of Case Action indicating that Petitioner's FIP benefits would be closed effective April 1, 2018, for failure to participate in employment and/or self-sufficiency activities through PATH.
8. On April 11, 2018, the Department received Petitioner's request for hearing disputing the closure of her 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, Petitioner's FIP case was closed as a result of her failure to attend a PATH appointment scheduled for March 8, 2018. 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. 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 accommodation, 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, Petitioner admits that she did not attend the PATH appointment on March 8, 2018, because she had transportation problems. Petitioner has coordinated medical-related transportation. She scheduled her appointment at least 48 hours before the ride was requested, and the transportation service is supposed to pick up their clients no more than two hours prior to the client's scheduled appointment. Petitioner had a morning appointment with her psychiatrist on the same day as her PATH appointment, which was scheduled for the afternoon. The transportation service arrived at 7:00 AM, and Petitioner was not yet ready to leave. She could not leave at 7:00 AM because her child care provider was not scheduled to start until 8:00 AM, and she could not leave her [REDACTED]-year-old daughter alone. The transportation service apologized to Petitioner but indicated her ride could not be rescheduled. As a result, Petitioner did not attend any of her appointments that day because she had no ride.

Petitioner testified that she alerted her PATH worker to the transportation concerns; however, there is no note by the PATH worker documenting the conversation. Petitioner further testified that she told her case worker about the transportation problems and her ability to provide updated medical needs information at the triage appointment.

Policy clearly provides that an inability to participate in a PATH appointment due to transportation or child care concerns is good cause for noncompliance. BEM 233A, pp. 4-6. In this case, Petitioner was experiencing a combination of transportation and child care concerns on the day of her PATH appointment. Therefore, she has established good cause for her noncompliance and the Department erred in closing her case.

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 did not act in accordance with Department policy when it closed Petitioner's FIP case for noncompliance with PATH.

DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Petitioner's FIP case effective April 1, 2018;
2. Remove the FIP penalty;

3. If Petitioner remains eligible for FIP, issue supplements to Petitioner or on her behalf for benefits not previously issued; and
4. Notify Petitioner in writing of its decision.



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

Jeanenne Broadnax
MDHHS-Wayne-18-Hearings

Petitioner

██████████
██
██████████ MI ██████████

BSC4
B Sanborn
G Vail
D Sweeney
A Marler
MAHS