



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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[REDACTED] MI [REDACTED]

Date Mailed: June 6, 2018
MAHS Docket No.: 18-003962
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 Valerie Foley, Hearing Facilitator, and Keisa Webber, PATH Specialist.

ISSUE

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

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 March 9, 2018, the Department issued a PATH Appointment Notice to Petitioner informing her of a scheduled PATH appointment on March 19, 2018, at 8:30 AM.
2. Petitioner attempted to attend the March 19, 2018, appointment, but her daughter was sick, so she was given a rescheduled appointment for March 26, 2018.
3. Petitioner was unable to attend the March 26, 2018, rescheduled date because she had a Child Support hearing scheduled for that day and provided proof to the Department.

4. The Department asserts that Petitioner was verbally rescheduled for her PATH appointment for April 2, 2018; Petitioner asserts that she was never verbally informed of the third rescheduled appointment for April 2, 2018; the parties agree that no written notice of the April 2, 2018, appointment was provided to Petitioner.
5. On April 12, 2018, the Department issued a Notice of Noncompliance for failure to have initial contact with the Michigan Works! Agency (MWA) and scheduled a triage appointment for her on April 20, 2018, at 9:00 AM.
6. On the same day, the Department issued a Notice of Case Action informing Petitioner that her FIP benefits could be closed effective May 1, 2018, as a result of her failure to participate in employment and/or self-sufficiency related PATH activities.

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 for failure to attend her FIP appointment by the 15th calendar day after her appointment. 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.

Petitioner argued at the hearing that she was never alerted to the April 2, 2018, third rescheduled appointment date. The PATH Appointment Notice dated March 9, 2018, provides in the first sentence after Petitioner's name and client identification number "[a]ll applicants of Family Independence Program (FIP) benefits must attend PATH within 15 days of the date of this notice and continue to participate in PATH as long as you receive FIP..." Fifteen days from March 19, 2018, the date of her first scheduled PATH appointment, was April 3, 2018. Petitioner had valid and legitimate reasons for being unable to attend the PATH appointments discussed for March 19, 2018, and March 26, 2018; however, Petitioner provided no other explanation as to why she was unable to attend on any other day between March 19, 2018, and April 3, 2018. The Department was not required to provide Petitioner any additional notice because she was given a period in which she could appear at the PATH office. All she needed was the notice she had already been provided. Finally, the Department's computer system, Bridges, does not issue FIP denials or closures until the 17th day after the PATH referral (or appointment date) was made. BEM 220 (October 2015), p. 5. Therefore, Petitioner had ample time and notice to complete the PATH requirement, but failed to do so.

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 effective May 1, 2018.

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

Latasha McKinney-Newell
MDHHS-Wayne-19-Hearings

Petitioner

[REDACTED]
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