



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

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██████████ MI ██████████

Date Mailed: July 20, 2018  
MAHS Docket No.: 18-005603  
Agency No.: 119220617  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE:** Carmen G. Fahie

**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 July 12, 2018, from Lansing, Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Lynda Brown, Hearing Facilitator, Denise Newsom, Eligibility Specialist, and Michelle Laux, Family Independence Specialist and past worker.

**ISSUE**

1. Did the Department properly deny Petitioner's application for the Family Independence Program (FIP) due to Petitioner's failure to participate in PATH?
2. Did the Petitioner withdraw on the record for Food Assistance Program (FAP) and Child Development and Care (CDC)?

**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 May 10, 2018, Petitioner applied for CDC and FIP with a physical address of ██████████ MI ██████████. Department Exhibit 1, 1-8. Department Exhibit 2, 1-2.

2. On May 11, 2018, the Department Caseworker sent Petitioner a PATH APPOINTMENT NOTICE, DHS 4755, that she had to attend PATH on May 21, 2018 in Wayne County, Hamtramck, MI. Department Exhibit 1, 9-12.
3. On May 21, 2018, Petitioner was a no-call/no-show at PATH in Wayne County. Daycare is not available at the site in Wayne County.
4. On May 22, 2018, Petitioner was given until May 29, 2018, as the last date to attend, where daycare is available at the site at Macomb County by the Department Caseworker. Department Exhibit 4, 5.
5. On May 24, 2018, the Department Caseworker spoke with Petitioner to remind her again that her PATH appointment was extended to May 29, 2018, and that there was no daycare available at the Wayne County site. Department Exhibit 4, 5.
6. On May 25, 2018, the Department received a hearing request from Petitioner, contesting the Department's negative action.
7. On May 30, 2018, the Department Caseworker spoke to Petitioner about verification of her residential address. She provided written verification that she was returning to work on June 6, 2018. Her daycare was pending proof of residential address. Petitioner was told to have the person that she was living with write a letter stating the residential address, the date she moved in, the amount of rent that she was paying, and provide that person's name and phone number if there were any questions. Department Exhibit 4, 5.
8. On May 31, 2018, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, that she was approved for CDC retroactive to April 29, 2018, through June 8, 2019, for 60 hours. Department Exhibit 1, 13.
9. On June 1, 2018, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, that she was denied FIP because she failed to attend PATH orientation and her FAP was continued at \$352 for household group composition of 2. Department Exhibit 5, 6-9.
10. During the hearing, the Petitioner withdrew on the record for FAP and CDC and the Department accepted her withdrawal.

### **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 applied for FIP and CDC on May 10, 2018. As a result, she was referred and required to participate in PATH. There was an issue of exactly where Petitioner was residing, whether Macomb or Wayne County. Macomb County PATH had daycare available on site, but Wayne County PATH did not. Petitioner failed to verify her address in a timely manner.

However, the Wayne County DHHS sent Petitioner a PATH APPOINTMENT NOTICE, DHS 4755, that she had to attend PATH on May 21, 2018, in Wayne County, Hamtramck, MI. Petitioner came into the local office in Macomb on May 22, 2018. She stated that she did not go because she did not have daycare, but the PATH facility had daycare available in Macomb County. The Wayne County PATH does not have a daycare facility. She did not attend by May 21, 2018, so she was extended to May 29, 2018. It seems that she was referred to Wayne and Macomb PATH, but did not go to either site by the deadline as required to be approved for FIP benefits.

During the hearing, Petitioner stated that she didn't know which site to go to. The Department did not receive confirmation of her residency. As a result, both Macomb and Wayne sent her to PATH. She failed to attend either site by the deadline required. Therefore, her FIP application was denied on June 1, 2018, because she failed to attend the PATH orientation by the time frame required in either county.

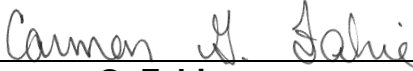
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Petitioner's FIP application because she failed to attend the PATH orientation in either Wayne or Macomb County as required in order to be eligible for FIP. During the hearing, the Petitioner withdrew on the record for FAP and CDC and the Department accepted her withdrawal.

### **DECISION AND ORDER**

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

The Petitioner's hearing request for FAP and CDC is dismissed due to a withdrawal on the record.

CF/dh

  
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**Carmen G. Fahie**  
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**

Lauren Casper  
27690 Van Dyke  
Warren, MI 48093

Macomb County (District 20), DHHS

BSC4 via electronic mail

B. Cabanaw via electronic mail

**Petitioner**

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