



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

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Date Mailed: March 12, 2018
MAHS Docket No.: 18-000461
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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, an in-person administrative hearing was held on March 8, 2018, at the Ionia County Department of Health and Human Services (Department) in Ionia, Michigan. Petitioner appeared and testified. The Department was represented by Jonathan Bair, Family Independent Specialist. The following individuals appeared as witness on behalf of the Department: Amy Sperry, Employment Training Coordinator; Lorinda Strause, Career Coach, Michigan Works; and Abby Stalker, Assistant Manager, Michigan Works.

ISSUE

Did the Department properly sanction Petitioner's Family Independence Program (FIP) and Food Assistance Program (FAP) due to Petitioner's spouse noncompliance with the employment requirements for the beneficiary programs?

FINDINGS OF FACT

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

1. At all relevant times, Petitioner and her spouse and child were beneficiaries of the FIP and FAP programs. There is no medical assistance issue herein.
2. Petitioner's spouse is a mandatory group member of the FIP and FAP groups. Exhibit A.

3. On October 25, 2017 Petitioner's spouse attended the PATH orientation. Exhibit A.20.
4. Petitioner's spouse was fully appraised and acknowledged that he was informed of the work requirements. Exhibit A.2.
5. On November 16, 2017, Petitioner's spouse failed to show for a second time to participate with his career coach. Exhibit A.2.
6. On November 28, 2017, triage was held. Petitioner represented to the Department that had completed all missing November job logs and agreed to turn them in as soon as possible.
7. To date, Petitioner has not delivered the purported missing job logs. Petitioner has also failed to transfer Petitioner's vehicle into his name so as to get assistance and remove the job barrier.
8. On December 26, 2017, the Department issued a Notice of Case Action sanctioning Petitioner's FIP program which stated that the case was closing effective February 1, 2018, and, decreasing the FAP benefit by removing the noncomplying group member. Exhibit A.6-10.
9. On January 16, 2018, Petitioner filed a hearing request.

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.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the

collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Direct Support Services (DSS) is established by the Social Welfare Act, MCL 400.1-.119b. The program is administered by the Department pursuant to MCL 400.10 and 400.57a and Mich Admin Code R 400.3603.

In this case, applicable Departmental policy and procedure is found in BEM Items 229-233B. This policy lays out the work requirements for eligibility for the State of Michigan welfare programs for able bodied individuals, unless those individuals meet certain deferrals, exceptions or exemptions.

Here, the Department presented a very thorough evidentiary packet, as well as witnesses with first hand knowledge of the facts herein. The Department summarized the very factually intensive history of this case in Exhibits A.2-A.4. These facts were unrefuted by Petitioner. Petitioner's spouse did not appear at the administrative hearing for testimony and/or cross-examination.

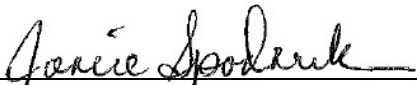
Here, the facts indicate that Petitioner's spouse alleged a medical deferral at various points in the process. Evidence further indicates that the Department responded to Petitioner's spouse's request(s) for deferrals as required under policy and procedure. As noted here, Petitioner agreed at Triage on November 28, 2017, that he had completed the November 2017 job logs and simply failed to turn in his sheets but planned to do so. Petitioner subsequently filed another medical excuse. The Department argued however, that Petitioner's subsequent claim of a medical excuse cannot be reasonably construed to excuse Petitioner from delivering the job searches which he admitted existed. Moreover, to date, Petitioner has still not turned in the purported job searches as required.

The Department is under strict federal and state mandates to ensure that beneficiaries of its welfare programs comply with the federal and state mandated job requirements. The Department's position is persuasive. A review of the credible and substantial evidence here supports that Petitioner's spouse failed to comply with those requirements, and thus, the action taken here is affirmed.

DECISION AND ORDER

Accordingly, the Department's decision pursuant to the December 26, 2017, Notice of Case Action closing Petitioner's FIP and sanctioning Petitioner's FAP benefits were correct and supported by the evidence of record and thus, the Department's action is hereby **AFFIRMED**.

JS/hb



Janice Spodarek
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

Melissa Brandt
920 East Lincoln St
Ionia, MI 48846

Ionia County, DHHS

BSC3 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

G. Vail via electronic mail

Petitioner

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