



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: September 18, 2018
MAHS Docket No.: 18-008296
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 45 CFR 205.10, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on September 13, 2018, from Lansing, Michigan. [REDACTED] [REDACTED] Petitioner, appeared and represented herself. Gregory Folson, Hearing Facilitator, appeared and represented the Department.

One exhibit was admitted into evidence during the hearing. A 17-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly deny Petitioner's request for Family Independence Program (FIP) assistance?

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 [REDACTED], 2018, Petitioner applied for FIP assistance.
2. On June 21, 2018, the Department mailed a PATH appointment notice to Petitioner to instruct Petitioner to attend PATH within 15 days of the date of the notice. The notice also advised Petitioner that she was scheduled for a PATH appointment at 9:00 AM on July 5, 2018.

3. On July 5, 2018, Petitioner arrived approximately 15 minutes late to her PATH appointment. The Michigan Works would not permit Petitioner to participate since she was late. Petitioner then called the Department and left a message.
4. On July 24, 2018, the Department issued a Notice of Case Action to notify Petitioner that her request for FIP had been denied.
5. On August 9, 2018, Petitioner filed a hearing request to dispute the Department's decision.

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.

Each FIP participant must participate in PATH or other employment related activity. BEM 230A (July 1, 2018), p. 1. An individual who fails without good cause to participate must be penalized. BEM 233A (July 1, 2018), p. 1. Good cause is 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 individual. BEM 233A, p. 4.

Here the Department found Petitioner ineligible for FIP following her application because she failed to complete PATH within 15 days as instructed. The Department did not act in accordance with its policies and the applicable law, because the Department did not find that Petitioner had good cause. Petitioner made a good faith attempt to complete PATH within 15 days as instructed because she appeared for PATH on July 5, 2018. Petitioner did not complete PATH because she was refused by Michigan Works. Since Petitioner made a good faith attempt to complete PATH as instructed, Petitioner had good cause for failing to participate and the Department should not have found her ineligible.

DECISION AND ORDER

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 its policies and the applicable law when it issued its July 24, 2018, Notice of Case Action which denied Petitioner's request for FIP assistance.

IT IS ORDERED the Department's decision is **REVERSED**.

JK/nr



Jeffrey Kemm
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

Mark Epps
4809 Clio Road
Flint, MI
48504

Genesee Clio County DHHS- via
electronic mail

BSC2- via electronic mail

G. Vail- via electronic mail

B. Cabanaw- via electronic mail

H. Norfleet- via electronic mail

D. Sweeney- via electronic mail

Petitioner

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