



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: November 30, 2018
MAHS Docket No.: 18-010674
Agency No.: 125821347
Petitioner: █████ █████

ADMINISTRATIVE LAW JUDGE: John Markey

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 November 29, 2018, from Lansing, Michigan. Appearing on Petitioner's behalf were Petitioner and witness █████ █████ Lacy Miller, Hearing Coordinator, and Antonette Feldpausch, Family Independence Worker, appeared and represented the Department. During the hearing, a 33-page packet of documents was offered and admitted collectively as the Department's Exhibit A, pp. 1-33.

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 █████ █████ 2018, Petitioner applied for FIP assistance. Exhibit A, pp. 3-7.
2. On September 4, 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 █████ █████ █████ Exhibit A, p. 14.
3. On September 4, 2018, Petitioner contacted the Department by telephone and email to inform the Department that she had transportation and childcare barriers to attending the PATH meeting. Exhibit A, pp. 15-17.

4. Petitioner was unable to resolve the transportation and childcare issues and consequently missed the PATH appointment.
5. On September 15, 2018, the Department issued a Notice of Case Action to notify Petitioner that her application for FIP had been denied she missed the PATH appointment. Exhibit A, pp. 18-22.
6. On [REDACTED] [REDACTED] 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.

In this case, Petitioner's FIP application was denied after Petitioner failed to participate in the PATH program. Petitioner concedes that she received the PATH Appointment Notice mailed on September 4, 2018 and knew that the appointment was scheduled for [REDACTED] [REDACTED] at 9:00 am. Petitioner's position is that she should either be deferred from participation or that she at least showed good cause for missing the meeting.

Each FIP client must participate in PATH or other employment related activity. BEM 230A (July 2018), p. 1. However, a client may be deferred from this requirement under certain circumstances. BEM 230A, p. 7-15. If the client is not deferred and fails without good cause to participate, the client 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. At the hearing, the Department conceded that it did not act in accordance with its policies and the applicable law, because the Department did not find Petitioner deferred from participation in PATH based on her lack of childcare. Petitioner adequately communicated to the Department that she was unable to attend or find adequate childcare. The Department witnesses conceded that based on the information provided,

Petitioner did not have available to her adequate childcare and should have been granted a deferral.

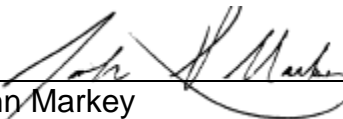
Additionally, even if Petitioner was not deferred from PATH participation under BEM 230A, she still had good cause for failing to attend the meeting under BEM 233A. Petitioner made a good faith attempt to secure the transportation and childcare needed to complete PATH within 15 days as instructed. Petitioner did not complete PATH because, despite her diligent efforts, she was unable to secure the needed transportation and childcare. 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 September 18, 2018, Notice of Case Action which denied Petitioner's request for FIP assistance.

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

JM/nr



John Markey
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

Erin Bancroft
105 W. Tolles Drive
St. Johns, MI
48879

Clinton 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

[REDACTED]
[REDACTED]
[REDACTED] MI
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