



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: February 1, 2019
MAHS Docket No.: 18-012099
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 January 2, 2019, from Lansing, Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Yvonne Jasper, Family Independence Manager.

ISSUE

Did the Department properly determine the Petitioner's eligibility for the Family Independence Program (FIP)?

FINDINGS OF FACT

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

1. Petitioner was a recipient of FIP benefits which made her subject to the requirements of the Partnership.Accountability.Training.Hope (PATH) program.
2. On September 1, 2018, the Department Caseworker sent Petitioner a referral to the PATH program on September 10, 2018, with a PATH Appointment Notice, DHS-4785. Department Exhibit 1, pg. 3.
3. On September 11, 2018, the Department Caseworker sent Petitioner a New Hire Client Notice, DHS 4635, that was due back on September 21, 2018. Department Exhibit 1, pgs. 4A-B.

4. On September 19, 2018, the Department received from the Petitioner the DHS-4635 and two check stubs. Department Exhibit 1, pgs. 4A-C.
5. On September 20, 2018, the Department sent Petitioner a Notice of Noncompliance, DHS-2444, because she failed to attend the PATH program by September 18, 2018, which required her to attend a triage meeting on September 27, 2018. This was her 3rd non-compliance and her FIP case would be closed for lifetime and her FAP benefits would be decreased for one month or until compliance, whichever is longer. Department Exhibit 1, pgs. 3A-3A1.
6. On September 20, 2018, the Department sent the Petitioner a Notice of Case Action, DHS-1605, that her Food Assistance Program (FAP) benefits were decreased to \$629 a month for a household group of 5 effective November 2018 due not participating in PATH. Department Exhibit 1, pgs. 5-5B.
7. On November 5, 2018, Petitioner filed a hearing request, protesting the Department's negative actions.

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.

In this case, the Petitioner was a recipient of FIP benefits, which required her to meet the requirements of the PATH program. She was required to work or look for work 40 hours a week. Petitioner only worked 34 hours a week, which required her to participate in the PATH program for 6 hours per week in order to remain eligible for FIP. Department Exhibit 1, pgs. 4A-C. She was required to show up for PATH at 8:30 a.m. and did not, but she was not scheduled to report to work until after 3 p.m. in the

afternoon. As a result, Petitioner did not have good cause for not participating in the PATH program. BEM 233A and 233B.

During the hearing, the FIM determine that the lifetime sanction evaluation had not been performed on Petitioner's case. As a result, she determined that the Department would not implement the lifetime sanction. Instead, the Department would count the earned income from employment against her FIP and FAP benefits that she received and recoup the difference. Petitioner is reminded that she must report changes in income, group composition, and address changes to the Department within 10 days. The Administrative Law Judge agreed with the Department's determination.

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 acted in accordance with Department policy when it determined the Petitioner's eligibility for FIP and FAP based on PATH participation.

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

CF/hb



Carmen G. Fahie
Administrative Law Judge
for Robert Gordon, 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

Tara Roland 82-17
8655 Greenfield
Detroit, MI 48228

Wayne County (District 17), DHHS

BSC4 via electronic mail

H. Norfleet via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]