



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: February 14, 2019
MAHS Docket No.: 18-013010
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 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 24, 2019, from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Sandra Kahill, Family Independence Specialist. During the hearing, a 20-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-20.

ISSUE

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

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 submitted to the Department an application for FIP benefits. Exhibit A, pp. 6-11.
2. On October 23, 2018, the Department issued to Petitioner a PATH Appointment Notice informing Petitioner that she was required to attend an appointment at a local Michigan Works! on November 5, 2018 at 9:00 am. Exhibit A, p. 12.
3. On October 23, 2018, the Department issued to Petitioner a Family Automated Screening Tool (FAST) Mandatory Notice informing Petitioner that she was

required to complete an online questionnaire within 30 days of the notice in order to avoid the denial of her application. Exhibit A, pp. 13-14.

4. Petitioner did not attend the PATH appointment nor did she complete the FAST questionnaire.
5. On December 3, 2018, the Department issued to Petitioner a Notice of Case Action informing Petitioner that her application for FIP benefits was denied for both failing to participate in the PATH process and failing to complete the FAST questionnaire. Exhibit A, pp. 17-20.

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 submitted an application for FIP benefits on [REDACTED], 2018. On October 23, 2018, the Department sent Petitioner a PATH Appointment Notice and a FAST Mandatory Notice. The Notices informed Petitioner that she had a PATH appointment on November 5, 2018 at 9:00 am and that she must complete FAST within 30 days of the Notice. Both Notices warned Petitioner that failure to fulfill either of the requirements would result in the denial of her FIP application. Petitioner neither attended the PATH appointment nor completed the FAST questionnaire. As a result, the Department denied Petitioner's FIP application via a December 3, 2018 Notice of Case Action.

All Work Eligibility Individuals (WEI), unless temporarily deferred, must engage in employment that pays at least state minimum wage or participate in employment services. BEM 230A (October 2015), p. 4. Applicants must complete the 21 day Partnership. Accountability. Training. Hope (PATH) application eligibility period (AEP) part of orientation, which is an eligibility requirement for approval of the FIP application. BEM 229 (October 2015) p. 1. PATH participants must complete all of the following in order for their FIP application to be approved: (i) begin the AEP by the last date to attend as indicated on the DHS-4785, PATH Appointment Notice; (ii) complete PATH AEP requirements; and (iii) continue to participate in PATH after completion of the 21 day AEP. BEM 229, p. 1. Included as conditions of eligibility are the requirement to appear and participate with PATH or other employment services providers and the completion of the Family Automated Screening Tool (FAST). BEM 233A (April 2016), p.

1. The Department will deny the FIP application if an applicant does not complete all of the above three components of the AEP. BEM 229, p. 1.


Petitioner stated she received both Notices a few days before the November 5, 2018 PATH appointment. Petitioner attempted to contact the Department to reschedule the PATH appointment because of conflicts with her school schedule. However, after Petitioner missed her PATH appointment, she did not make a reasonable effort to reschedule. Additionally, at no point did Petitioner complete the FAST questionnaire.

The evidence presented by Petitioner showed that she did not make a reasonable effort to establish her eligibility for FIP benefits. Even if Petitioner had a good reason for missing the PATH appointment, Petitioner failed to provide any legitimate explanation for why she did not complete the FAST questionnaire. Once the time limit for completing the questionnaire expired, the Department was required to deny Petitioner's application, which it appropriately did. Thus, the Department acted in accordance with policy when it denied Petitioner's application for FIP benefits.

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 denied Petitioner's FIP benefit application. Accordingly, the Department's decision is **AFFIRMED**.

JM/cg



John Markey
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

Via First-Class Mail:

MDHHS-Macomb-20-Hearings
G. Vail
D. Sweeney
BSC4-Hearing Decisions
MAHS

Petitioner – Via First-Class Mail:

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