



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: March 15, 2019
MAHS Docket No.: 19-000811
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 March 4, 2019, from Detroit, Michigan. Petitioner represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

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 December 12, 2018, Petitioner applied for FIP benefits.
2. Petitioner was pregnant at the time she applied for FIP benefits.
3. On December 13, 2018, the Department sent Petitioner a PATH Appointment Notice with an appointment date of December 26, 2018.
4. Petitioner submitted medical forms which indicated that she was unable to work until six weeks after she has given birth.
5. Because the medical form did not identify a reason why Petitioner was unable to work, the Department deemed it insufficient to allow Petitioner not to attend PATH.
6. Petitioner failed to attend the PATH appointment.

7. On January 17, 2019, the Department sent Petitioner a Notice of Case Action which notified Petitioner that her application for FIP benefits had been denied.
8. On January 18, 2019, Petitioner filed a Request for Hearing disputing the Department's 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.

In submitting her Request for Hearing, Petitioner checked the box indicating that she was challenging the denial of FAP benefits. However, in the explanation section, she only discussed FIP benefits. Further, at the hearing, Petitioner did not raise any issues associated with FAP benefits. As such, the portion of the Request for Hearing relating to FAP benefits is **DISMISSED**.

Additionally, Department policy requires that clients complete the 21-day PATH AEP part of orientation which is an eligibility requirement for approval of the FIP application. PATH participants must complete all of the following in order for their FIP application to be approved:

- Begin the AEP by the last date to attend as indicated on the DHS-4785, PATH Appointment Notice.
- Complete PATH AEP requirements.
- Continue to participate in PATH after completion of the 21-day AEP. BEM 229 (October 2015), p. 1.

The Department requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. The focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate without good cause. BEM 233A (July 2018), p. 1.

Federal and state laws require each work eligible individual (WEI) in the FIP group to participate in Partnership. Accountability. Training. Hope. (PATH) or other employment-

related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (July 2018), p. 1.

A client can be excused from participation in the PATH program if he/she can establish good cause. 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 noncompliant person. A claim of good cause must be verified and documented for member adds and recipients. Document the good cause determination in Bridges on the noncooperation screen as well as in case comments. BEM 233A, p 4.

In this case, the Department testified that it denied Petitioner's application for FIP benefits because she failed to attend her PATH Appointment. The Department acknowledged that it received Petitioner's medical forms stating that she was unable to work until six weeks after she has given birth. The Department explained that because the documentation did not include a reason that Petitioner was unable to work, it was deemed insufficient to allow for a deferral.

Good cause is allowed if the client has a debilitating illness or injury, or a spouse or child's illness or injury requires in-home care by the client. BEM 233A, p.5. It does not appear that the Department allowed Petitioner an opportunity to provide additional information to establish good cause before it denied Petitioner's application for FIP benefits.

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 Department policy when it denied Petitioner's December 12, 2018 application for FIP benefits.

DECISION AND ORDER

Petitioner's Request for Hearing relating to FAP benefits only is **DENIED**.

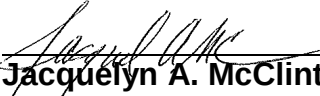
The Department's decision relating to Petitioner's December 12, 2018 application for FIP benefits is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister and reprocess Petitioner's December 12, 2018 application for FIP benefits;
2. If Petitioner was eligible for supplements, issue FIP supplements Petitioner was eligible for but did not receive; and

3. Notify Petitioner in writing of its decision.

JAM/tlf



Jacquelyn A. McClinton
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 Email:

[REDACTED]

Petitioner – Via First-Class Mail:

[REDACTED]