



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

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Date Mailed: July 12, 2019
MOAHR Docket No.: 19-006304
Agency No.: ██████████
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 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 July 11, 2019, from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Dayo Garrett, Eligibility Specialist, Kisa Webber, PATH Specialist, and Maralina Allen, Michigan Works! Case Worker. During the hearing, a 16-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-16.

ISSUE

Did the Department properly deny Petitioner's application for cash assistance under 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. On or about ██████████, 2019, Petitioner applied for FIP cash assistance.
2. Petitioner was scheduled to have a meeting at Michigan Works! on May 30, 2019 at 1pm. Petitioner was a no-call, no-show. Exhibit A, p. 16.
3. On June 3, 2019, Petitioner came to Michigan Works! and attempted to complete the meeting that was scheduled for May 30, 2019, which she was not allowed to do as the time limit had already expired. Exhibit A, p. 16.

4. On June 7, 2019, the Department issued to Petitioner a Notice of Case Action informing Petitioner that her FIP cash assistance application was denied because Petitioner failed to complete the entire PATH orientation process. Exhibit A, pp. 5-7.
5. On [REDACTED], 2019, Petitioner submitted to the Department a request for hearing objecting to the Department's action.

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 or about May 16, 2019. On May 24, 2019, the Department and Petitioner scheduled an appointment for week 3 of the AEP for May 30, 2019 at 1:00 pm. Petitioner was a no-call, no-show for the May 30, 2019 appointment. As a result, Petitioner's application for FIP benefits was denied in the Notice of Case Action sent on June 7, 2019.

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 (July 2018), p. 1. Most WEIs are referred to the Partnership. Accountability Training. Hope. (PATH) program provided by the one-stop service center serving the client's area when one of the following exists: (i) a WEI applies for FIP; (ii) a WEI applies to be a member added to a FIP group; or (iii) a WEI is no longer temporarily deferred from employment services. BEM 230A, p. 4. Applicants must complete the 21-day 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. 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 testified that she was made aware of the consequences of missing appointments at application and that knew of the May 30, 2019 appointment in advance

of the appointment. She simply forgot about the meeting and failed to attend or provide advance notice that she was not going to attend.

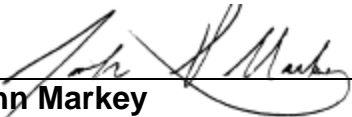
It is evident from the record that Petitioner was on notice of the May 30, 2019 appointment and the consequences for missing the appointment. Petitioner's failure to attend the appointment compels the denial of her FIP cash assistance application by virtue of BEM 229, as Petitioner admittedly did not complete the PATH AEP requirements. While she did go in on June 3, 2019 in an attempt to rectify the situation, it was too late as she had already violated the terms of the AEP, terms which Petitioner acknowledged and agreed to abide by.

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 application for FIP cash assistance.

DECISION AND ORDER

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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via Email:

MDHHS-Wayne-19-Hearings
G. Vail
D. Sweeney
BSC4- Hearing Decisions
MOAHR

Petitioner – Via First-Class Mail:

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