



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: June 1, 2020
MOAHR Docket No.: 20-001869
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 May 28, 2020.

Petitioner appeared unrepresented.

The Department of Health and Human Services (Department) was represented by Ms. Jones, FIS and Heather Gansemer, FIM.

Department Exhibit A.14 was offered and admitted into the record.

ISSUE

Did the Department properly sanction Petitioner's FIP case due to noncompliance with the FIP work requirements?

FINDINGS OF FACT

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

1. At all relevant times to the issue herein, Petitioner was a beneficiary of the FIP benefits.
2. On January 2, 2020, the Department sent Petitioner a PATH appointment letter for January 13, 2020. Petitioner did not attend the appointment.

3. On January 21, 2020, the Department sent a Notice of Noncompliance scheduling a meeting to discuss Petitioner's failure to attend her PATH appointment on January 30, 2020. Petitioner failed to attend the January 30, 2020 appointment.
4. On January 21, 2020, the Department issued a Notice of Case Action informing Petitioner that her case will be sanctioned from March 1, 2020, ongoing for failing to comply with the FIP work requirements.
5. On February 24, 2020, Petitioner filed a hearing request disputing the sanction.
6. On February 24, 2020, the Department issued a Notice of a Prehearing conference for March 6, 2020. Petitioner failed to attend the appointment.
7. Petitioner's case was sanctioned for three months; Petitioner's case was reopened as of June 1, 2020.

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 argued that she did not timely receive her mail for five months, was personally ill, and was taking care of an ill child. Upon inquiry, Petitioner also stated that she did contact the Department to inform the Department that she was ill, and that she was taking care of an ill child during the five months following the first action and the hearing request.

Here, Petitioner did not dispute that she failed to attend 3 appointments, including the PATH appointment, for the compliance meeting, and the prehearing conference. Petitioner further admitted that she failed to contact the Department to make the arguments she made at the administrative hearing for the first time.

Under these facts, as weighed under evidentiary rules and considerations, Petitioner has not established that she had good cause for failing to show for 3 different PATH related appointments. Furthermore, Petitioner has not established good cause for failing to contact the Department regarding the reasons set forth at the administrative hearing. Petitioner has the responsibility to ensure that she obtains her mail in a diligent manner.

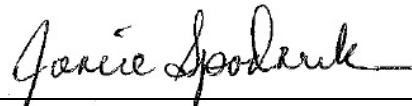
Unfortunately, the facts here do not allow the undersigned to recognize that good cause is shown under these facts and policy and thus, the Department must be upheld.

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 sanctioned Petitioner's FIP case for three months.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

JS/ml



Janice Spodarek
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

DHHS

Kalamazoo County DHHS – Via Electronic
Mail

G. Vail – Via Electronic Mail

B. Cabanaw – Via Electronic Mail

Petitioner

[REDACTED] – Via First Class Mail
[REDACTED]
[REDACTED] MI [REDACTED]