



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR



Date Mailed: April 25, 2017
MAHS Docket No.: 17-003755
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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; 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 April 24, 2017, from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Susan Engel, Hearing Facilitator.

ISSUE

Did the Department properly close the Petitioner's Family Independence Program (FIP) Cash Assistance case for failure to attend the Partnership.Accountability.Training.Hope. (PATH) Program?

FINDINGS OF FACT

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

1. The Petitioner was an ongoing FIP cash assistance recipient.
2. The Petitioner was found not disabled by the Medical Review Team (DDS) on October 6, 2016, which determination ended the Petitioner's deferral from attending the PATH Program. [Exhibit G]
3. On February 16, 2017, the Department sent the Petitioner a Notice to attend PATH on February 27, 2017, at 8:30 a.m. [Exhibit D]

4. The Petitioner did not attend the PATH appointment.
5. On March 7, 2017, the Department sent the Petitioner a Notice of Noncompliance for failing to attend the PATH appointment and Scheduling a triage for March 17, 2017. The triage was held, and the Department found that Petitioner had no good cause to fail to attend the appointment as scheduled. The Petitioner did not attend the triage but did speak with her caseworker. [Exhibits B, E and F.]
6. On March 7, 2017, the Department sent the Petitioner a Notice of Case Action closing the Petitioner's FIP case effective April 1, 2017, for failure to comply with PATH requirements without good cause for the second time, closing the Petitioner's FIP case for six (6) months. [Exhibit A]
7. The Petitioner requested a timely hearing on March 16, 2017, protesting 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 this case, the Department received a DDS decision which found the Petitioner no longer disabled and was work ready for light work. [Exhibit G.] The DDS decision was issued October 6, 2017. Thereafter, the Department issued a Notice of Appointment advising the Petitioner that she was to attend the PATH Program. Department policy provides:

Upon the receipt of the DDS decision, review the determination and information provided by DDS. Establish the accommodations the recipient needs to participate in PATH or to complete self-sufficiency-related activities. Follow the procedure for accommodating disabilities; see Reasonable Accommodation in this item.

After receipt of the DDS determination, the Department processed the case and assigned the Petitioner to attend PATH. Thereafter, due to the Petitioner's failure to attend the PATH appointment, the Department continued to process the Petitioner for noncompliance and scheduled a triage to determine if good cause existed for Petitioner's nonattendance at PATH. The Petitioner spoke with her caseworker, and it

was determined that no good cause existed; and thus, the Department was required to close and sanction the Petitioner's FIP case for noncompliance with work-related activities. At the hearing, the Petitioner testified that she had no new physical condition since the review of her case by DDS and that Petitioner believed that she had physical limitations that would make it difficult to participate in PATH.

As a condition of eligibility, all WEIs and non-WEIs must work or engage in employment and/or self-sufficiency-related activities. Noncompliance of applicants, recipients, or member adds means doing any of the following without good cause:

- Failing or refusing to:
 - Appear and participate with Partnership. Accountability. Training. Hope. (PATH) or other employment service provider.

A Work Eligible Individual (WEI) and non-WEIs (except ineligible grantees, clients deferred for lack of child care, and disqualified aliens), see BEM 228, who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized. Depending on the case situation, penalties include the following:

- Delay in eligibility at application.
- Ineligibility (denial or termination of FIP with no minimum penalty period).
- Case closure for a minimum of three months for the first episode of noncompliance, six months for the second episode of noncompliance and lifetime closure for the third episode of noncompliance. BEM 233A, (April 1, 2016), p. 1

In this case, after review by the DDS based upon medical documentation provided by the Petitioner, it was determined that the Petitioner was not physically or mentally unfit for the job or activity (PATH attendance) and no disability which would defer the Petitioner's PATH attendance was established; thus, the Department correctly determined that the Petitioner was required to attend the PATH Program. Thereafter, at the triage, the Department determined that there was no good cause established for Petitioner's failure to attend PATH; and thus, the Department correctly determined that Petitioner was in noncompliance with PATH without good cause. BEM 233A, p. 4.

The penalty for noncompliance without good cause is FIP EDG closure. Effective October 1, 2011, the following minimum penalties apply:

- For the individual's first occurrence of noncompliance, Bridges closes the FIP EDG for not less than three calendar months.

- For the individual's second occurrence of noncompliance, Bridges closes the FIP EDG for not less than six calendar months.

For the individual's third occurrence of noncompliance, Bridges closes the FIP EDG for a lifetime sanction. BEM 233A, p. 8

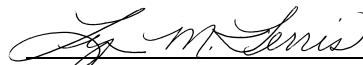
In conclusion, it is determined that the Department's actions closing the Petitioner's FIP case and imposing a six-month sanction were in accordance with Department policy.

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 closed the Petitioner's FIP Cash Assistance case and imposed a second sanction closing the case for six months.

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

LMF/jaf



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, 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) 335-6088; 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

Petitioner

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MI [REDACTED]

DHHS

Saginaw

BSC4

G Vail

D Sweeney

D Shaw

B Cabanaw

L M Ferris

MAHS