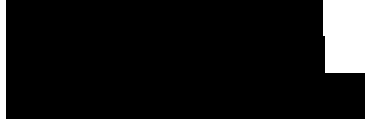




RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR



Date Mailed: March 5, 2018  
MAHS Docket No.: 17-016379  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Ellen McLemore**

**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, an in-person hearing was held on February 28, 2018, from Pontiac, Michigan. The Petitioner was represented by [REDACTED]. The Department of Health and Human Services (Department) was represented by Mary Strand, Family Independence Manager.

**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], 2017, Petitioner submitted an application for FIP benefits.
2. On October 30, 2017, Petitioner was sent a PATH Appointment Notice for orientation that was scheduled on November 6, 2017 (Exhibit E).
3. On December 7, 2017, the Department sent Petitioner a Notice of Case Action informing Petitioner that her application for FIP had been denied.
4. On December 18, 2017, Petitioner submitted a request for hearing disputing the Department's actions regarding her FIP and Food Assistance Program (FAP) benefit cases.

## 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).

### FAP

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

The hearing was requested to dispute, in part, the Department's action taken with respect to the FAP program benefits. Shortly after commencement of the hearing, Petitioner testified that she now understood the actions taken by the Department and did not wish to proceed with the hearing. The Request for Hearing was withdrawn. The Department agreed to the dismissal of the hearing request.

Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing regarding Petitioner's FAP benefits is, hereby, **DISMISSED**.

### FIP

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], 2017. On October 30, 2017, the Department sent Petitioner a PATH Appointment Notice. Petitioner was scheduled to attend orientation on [REDACTED], 2017.

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. 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.

The Department testified that Petitioner did not attend the [REDACTED], 2017 PATH orientation appointment. As a result, Petitioner's application for FIP benefits was denied in the Notice of Case Action sent on December 7, 2017.

Petitioner testified that the December 7, 2017 denial notice was the first she had learned that her PATH orientation appointment had been scheduled. Petitioner stated she did not receive the PATH Appointment Notice informing her of the scheduled orientation. The PATH Appointment Notice presented by the Department clearly indicates that the notice was returned to the Department as undeliverable. Several other notices that were sent to Petitioner by the Department were also returned as undeliverable. Petitioner testified that she has lived at the address on the returned notices for many years. Petitioner stated she spoke with the United States Postal Service office and was provided no explanation as to why the notices were returned. Petitioner stated that had she known about the orientation, she would have attended as required.

It is evident from the record that Petitioner was not properly served with the PATH Appointment Notice. Petitioner could not be expected to attend an appointment of which she has no knowledge. Therefore, the Department failed to establish that it acted in accordance with policy when it denied Petitioner's application for FIP benefits.

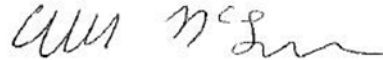
### **DECISION AND ORDER**

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's application for FIP benefits. Accordingly, the Department's decision is **REVERSED**.

Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing regarding Petitioner's FAP benefits is, hereby, **DISMISSED**.

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. Reinstate and reprocess Petitioner's application for FIP benefits;
2. If Petitioner is eligible for FIP benefits, issue supplements she was entitled to receive but did not as a result of the denial;
3. And Notify Petitioner of its FIP decision in writing.



EM/cg

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**Ellen McLemore**  
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

**Via Email:**

MDHHS-Oakland-4-Hearings  
M. Holden  
D. Sweeney  
G. Vail  
BSC4- Hearing Decisions  
MAHS

**Petitioner – Via First-Class Mail:**

