



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: March 27, 2018
MAHS Docket No.: 18-001109
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, a telephone hearing was held on March 26, 2018, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Lynda Brown, Hearing Facilitator and Cheryl Bellomy, 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 November 22, 2017, the Department sent Petitioner a PATH Appointment Notice informing Petitioner that she was scheduled to attend orientation on [REDACTED], 2017 (Exhibit A).
3. On November 22, 2017, the Department sent Petitioner a FAST-Mandatory Notice informing her that she must complete the questionnaire within 30 days (Exhibit B).
4. On December 21, 2017, the Department sent Petitioner a Notice of Case Action informing her that her application for FIP benefits had been denied (Exhibit C).

5. On January 25, 2018, Petitioner submitted 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 this case, Petitioner submitted an application for FIP benefits on [REDACTED], 2017. On November 22, 2017, the Department sent Petitioner a PATH Appointment Notice informing her that she was scheduled to attend orientation on [REDACTED], 2017. Also on November 22, 2017, the Department sent Petitioner a FAST Mandatory Notice informing her that she needed to complete the questionnaire within 30 days.

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. Applicants must complete the 21 day Partnership. Accountability. Training. Hope (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 the following 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. Included as conditions of eligibility are the requirement to appear and participate with PATH or other employment services providers and the completion of the Family Automated Screening Tool (FAST). BEM 233A (April 2016), p. 1. The Department will deny the FIP application if an applicant does not complete all the above three components of the AEP. BEM 229, p. 1.

The Department testified that Petitioner did not attend her PATH orientation appointment and did not complete the FAST questionnaire. As a result, the Department sent Petitioner a Notice of Case Action on December 21, 2017, informing her that her FIP application was denied.

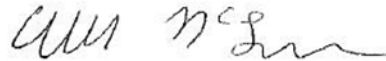
Petitioner testified that she received the PATH orientation notice. Petitioner stated that she contacted her worker repeatedly to inform the Department that she was unable to attend her orientation appointment. Petitioner was pregnant and was placed on bedrest

by her physician at that time. Petitioner did not have an explanation as to why the FAST was not completed. Although Petitioner may have had good cause for her failure to attend her PATH orientation appointment, she did not complete the FAST questionnaire. Therefore, the Department 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 acted in accordance with Department policy when it denied Petitioner's application for FIP benefits. Accordingly, the Department's decision is **AFFIRMED**.

EM/cg



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-Macomb-20-Hearings
G. Vail
D. Sweeney
BSC4-Hearing Decisions
MAHS

Petitioner – Via First-Class Mail:

