



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: March 8, 2019

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Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 4, 2019, from Detroit, Michigan. The Petitioner was not present but was represented by ██████████, Authorized Hearing Representative (AHR). The Department of Health and Human Services (Department) was represented by ██████████, Family Independence Specialist.

ISSUE

Did the Department properly deny Petitioner's ██████████ 2018 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 ██████████ 2018, Petitioner applied for FIP benefits.
2. On November 8, 2018, Petitioner attended the Partnership. Accountability. Training. Hope. (PATH) orientation.
3. The Department does not show any record of Petitioner's participation in the required program from November 12, 2018 through November 15, 2018.
4. On November 20, 2018, the Department sent Petitioner a Notice of Case Action which notified Petitioner that her application for FIP benefits had been denied

5. On January 17, 2019, Petitioner's AHR filed 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.

Additionally, Department policy requires that clients complete the 21-day PATH AEP part of orientation which is an eligibility requirement for approval of the FIP application. PATH participants must complete all of the following in order for their FIP application to be approved:

- Begin the AEP by the last date to attend as indicated on the DHS-4785, PATH Appointment Notice.
- Complete PATH AEP requirements.
- Continue to participate in PATH after completion of the 21-day AEP. BEM 229 (October 2015), p. 1.

In this case, the Department testified that Petitioner failed to attend PATH from November 12, 2018 through November 15, 2018. After Petitioner failed to participate in PATH for three consecutive days, the Department sent Petitioner a Notice of Case Action which notified her that her application for FIP benefits had been denied.

Petitioner's AHR testified that Petitioner attends school. As a result, she would send required documents confirming her attendance in school. Petitioner's AHR stated that Petitioner informed her that the documents were sent from her school on the dates in question because she (Petitioner) personally observed the school fax the documents to the Department. However, Petitioner failed to appear at the hearing. Petitioner's AHR was not present when the documents were sent. Petitioner did not obtain a facsimile confirmation sheet and as such, she is unable to confirm that the correspondence was successfully transmitted.

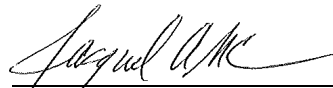
Completion of the PATH 21-day AEP period is required. There was no evidence presented at the hearing to demonstrate that the required documents were sent to and received by the Department. As such, it is found that the Department properly denied Petitioner's application for FIP benefits.

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 [REDACTED] 2018 application for FIP benefits.

DECISION AND ORDER

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

JAM/tlf



Jacquelyn A. McClinton
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 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) 763-0155; 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-Wayne-31-Hearings
BSC4 Hearing Decisions

[REDACTED]

[REDACTED]

MAHS

Authorized Hearing Rep. – Via USPS

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner – Via USPS

[REDACTED]

[REDACTED]

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