



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]

Date Mailed: November 12, 2019
MOAHR Docket No.: 19-010165
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Landis Lain

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 November 6, 2019, from Lansing, Michigan. The Petitioner was represented by Petitioner, [REDACTED]. The Department of Health and Human Services (Department or Respondent) was represented by Mashana Chunev, Eligibility Specialist.

Respondent's Exhibit A pages 1-13 and Petitioner's Exhibits 1-13 were admitted as evidence.

ISSUE

Did the Department properly cancel Petitioner's 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. In January 2019, Petitioner received a 1st FIP sanction for three months.
2. Petitioner was a FIP benefit recipient.
3. On June 29, 2019, Petitioner signed a PATH reengagement form which indicates that Petitioner cannot miss any scheduled appointments, must turn in documentation as required and must comply with the requirements of the program for 120 days. (Respondent's Exhibit 1)

4. On August 16, 2019, Petitioner had a scheduled appointment with a case manager from Dearborn Access at 11:00 a.m. to submit a verification of employment and a pay receipt.
5. Petitioner was a no call/no show for the appointment.
6. On September 5, 2019, A DHHS-2444 Notice of Non-Compliance was mailed to Petitioner and a triage was scheduled for Petitioner on September 11, 2019.
7. On September 11, 2019, Petitioner attended the triage but did not have documentation that was needed to establish good cause for failure to attend PATH related activities.
8. On October 1, 2019, Petitioner's FIP case was closed and Petitioner was given a six-month FIP sanction and her case was closed.
9. On November 11, 2019, the hearing was held.
10. At the hearing, Petitioner presented documentation that she is involved in a domestic abuse situation and has some mental health problems.
11. The Department caseworker indicated that in light of the domestic abuse situation and mental health problems, Petitioner has established good cause for her failure to attend PATH activities on August 16, 2019 and she would like her decision reversed and Petitioner's FIP case reinstated from October 1, 2019 forward.
12. Petitioner agreed with the settlement of the issue.

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 Representative reversed its decision to close Petitioner's Family Independence Program case and requested to reinstate the case to October 1, 2019. Petitioner agreed to the reversal of the negative action.

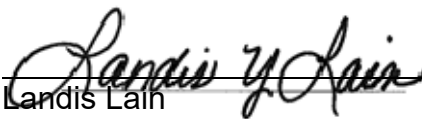
DECISION AND ORDER

Accordingly, the Department's original decision to close Petitioner's Family Independence Program case effective October 1, 2019 is **REVERSED**.

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 Petitioner's Family Independence Program case effective October 1, 2019, and open ongoing cases for both if Petitioner remains otherwise eligible for the programs.

LL/nr



Landis Lain
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

LaClair Winbush
17455 Grand River
Detroit, MI
48227

Wayne 31 County DHHS- via electronic
mail

BSC4- via electronic mail

G. Vail- via electronic mail

B. Cabanaw- via electronic mail

H. Norfleet- via electronic mail

D. Sweeney- via electronic mail

Petitioner

[REDACTED]