



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: December 13, 2019  
MOAHR Docket No.: 19-011256  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie**

### **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 December 5, 2019, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Valerie Foley, Hearing Facilitator.

### **ISSUE**

Did the Department properly close Petitioner's Family Independence Program (FIP) case due to noncompliance with Partnership. Accountability. Training. Hope (PATH)?

### **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], 2019, Petitioner applied for FIP benefits. Department Exhibit 1, pgs. 1a-4c.
2. On September 11, 2019, the Department Caseworker sent Petitioner back to PATH with a PATH Appointment Notice, DHS-4785, that required attendance by September 23, 2019. Department Exhibit 1, pg. 8e.
3. Petitioner failed to attend PATH by September 24, 2019. Department Exhibit 1, pg. 9.

4. On September 30, 2019, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, indicating that her FIP case was closed effective November 1, 2019. Department Exhibit 1, pgs. 10a-10c.
5. On September 30, 2019, the Department Caseworker sent Petitioner a Notice of Noncompliance, DHS-2444, for a triage meeting on October 8, 2019, for her first noncompliance for FIP. Department Exhibit 1, pgs. 10d-10e.
6. Petitioner failed to attend the triage meeting on October 8, 2019. Department Exhibit 1, pg. 11a.
7. On October 16, 2019, the Department received a hearing request from Petitioner, contesting the Department's negative action.

### **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 applied for FIP benefits on August 15, 2019. As a result of Department error, her case was denied improperly on September 3, 2019. It was reopened and a new PATH notice was sent to Petitioner on September 11, 2019. Petitioner failed to attend PATH by the due date of September 23, 2019. Her FIP application was denied on September 30, 2019. BEM 233A and 233B.

During the hearing, Petitioner stated that she did not receive the PATH notice timely. She stated that she got it on Saturday after the due date. She did go into the local office on September 30, 2019, but it was after the PATH due date. However, the Department Caseworker documented in the case notes that Petitioner stated that she did not get her notice until September 25, 2019, but she failed to call the number on the form and waited until September 30, 2019, to go into the local office. Department Exhibit 1, pg. 13b.

In addition, Petitioner missed the triage meeting on October 8, 2019, which was her opportunity to give a good cause reason for missing her PATH appointment on September 23, 2019. Petitioner did not attend her triage meeting because she said that she was working, but she was a no call no show for the meeting. Department Exhibit 1, pg. 13b. As a result, this Administrative Law Judge finds that Petitioner did not have

good cause for not participating in the PATH program. This is Petitioner's first sanction resulting in a FIP closure for 3 months.

**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 determined that Petitioner did not have good cause in not participating with the PATH program resulting in a first sanction and a 3 month penalty in FIP case closure.

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

CF/hb



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**Carmen G. Fahie**  
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**

Susan Noel  
26355 Michigan Ave  
Inkster, MI 48141

Wayne County (District 19), DHHS

BSC4 via electronic mail

H. Norfleet via electronic mail

D. Sweeney via electronic mail

**Petitioner**

