



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: June 11, 2020
MOAHR Docket No.: 20-001683
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 June 3, 2020, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Julie McLaughlin, Family Independence Manager and Hearing Facilitator.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) case because he failed to participate in the PATH program?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was a recipient of FIP, which required him to participate in the PATH program.
2. On September 18, 2019, the Department Caseworker sent Petitioner's medical packet to the Disability Determination Division (DDD) for a decision about a medical deferral for Petitioner from PATH.

3. On January 22, 2020, the Medical Review Team (MRT) determined that Petitioner could participate in PATH after a review of the medical records. Department Exhibit 1, pgs. 15-494.
4. On February 1, 2020, the Department sent the Petitioner a PATH Appointment Notice, DHS-4785, for an appointment on February 11, 2020. Department Exhibit 1, pg. 13.
5. On February 18, 2020, Petitioner still failed to attend PATH.
6. On February 19, 2020, the Department sent Petitioner a Notice of Noncompliance, DHS-2444, because he failed to attend PATH by February 18, 2020, requiring him to attend a triage meeting on February 27, 2020. This was his 2nd non-compliance and his FIP case would be closed for 6 months and his FAP benefits would be decreased for one month or until compliance because he would be disqualified. Department Exhibit 1, pgs. 7-9.
7. On February 19, 2020, the Department sent Petitioner a notice of his FIP case closure due to non-participation in the PATH program. Department Exhibit 1, pgs. 10-12.
8. On February 26, 2020, the Petitioner filed a hearing request, protesting 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 was a recipient of FIP, which required him to participate in the PATH program. On September 18, 2019, the Department Caseworker sent Petitioner's medical packet to the Disability Determination Division (DDD) for a decision about a medical deferral for Petitioner from PATH. On January 22, 2020, the Medical Review Team (MRT) determined that the Petitioner could participate in PATH after a review of the medical records. Department Exhibit 1, pgs. 15-494.

On February 1, 2020, the Department sent the Petitioner a PATH Appointment Notice, DHS-4785, for an appointment on February 11, 2020. Department Exhibit 1, pg. 13.

On February 18, 2020, the Petitioner still failed to attend PATH. On February 19, 2020, the Department sent Petitioner a Notice of Noncompliance, DHS-2444, because he failed to attend PATH by February 18, 2020, requiring him to attend a triage meeting on February 27, 2020. This was his 2nd non-compliance and his FIP case would be closed for 6 months and his FAP benefits would be decreased for one month or until compliance because he would be disqualified. Department Exhibit 1, pgs. 7-9.

On February 19, 2020, the Department sent the Petitioner a notice of his FIP case closure due to non-participation in the PATH program. Department Exhibit 1, pgs. 10-12. On February 26, 2026, the Petitioner filed a hearing request, protesting the Department's actions. BEM 230A and 233A. BAM 220.


This Administrative Law Judge finds that Petitioner failed to participate in the PATH program as required to be eligible for FIP benefits. Even though Petitioner had a note from his treating physician stating that he could not work, the MRT determined after reviewing the medical evidence on the record that Petitioner was capable of participating with PATH. Since Petitioner did not attend PATH as required, then the Department properly closed his FIP case. This is Petitioner's 2nd noncompliance with PATH, which will result in his FIP case closing for 6 months. If the Petitioner's receives a 3rd noncompliance with the PATH, he will be sanctioned from receiving FIP benefits for a lifetime. If Petitioner does not think he can participate in the PATH program and MRT determines he can participate in PATH, he should not apply for FIP benefits until he can.

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 closed Petitioner's FIP case because of failure to participate in the PATH program.

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

CF/hb



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

Muskegon County via electronic mail

BSC3 via electronic mail

H. Norfleet via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]