



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: August 30, 2022
MOAHR Docket No.: 22-003282
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 hearing was held on August 25, 2022 via teleconference. Petitioner appeared and represented herself. The Michigan Department of Health and Human Services (MDHHS or Department) did not appear.

ISSUE

Did MDHHS properly deny Petitioner's application for Family Independence Program (FIP)/cash 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 ██████████ 2022, Petitioner applied for FIP benefits.
2. On ██████████, 2022, Petitioner filed a Request for Hearing to dispute the manner in which MDHHS was processing her FIP application.
3. On August 8, 2022, MDHHS denied Petitioner's FIP application for failing to complete the Partnership. Accountability. Training. Hope. (PATH) program.

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. MDHHS 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, MDHHS denied Petitioner's FIP application for failure to complete the PATH orientation. MDHHS did not appear at the hearing. Accordingly, this decision is based solely on Petitioner's testimony.

FIP is a cash assistance program designed to help individuals and families become self-sufficient. BEM 209 (January 2022), p. 1. Individuals are eligible for FIP if they satisfy all financial and non-financial eligibility requirements. *Id.* Federal and state laws require each work eligible individual (WEI) in the FIP group to participate in Partnership. Accountability. Training. Hope. (PATH) or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (January 2022), p. 1. WEI clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. *Id.* WEIs not referred to PATH will participate in other activities to overcome barriers so that they may eventually be referred to PATH or other employment service provider. MDHHS must monitor these activities and record the client's participation in the Family Self-Sufficiency Plan (FSSP). A WEI who refuses, without good cause, to participate in assigned employment and/or other self-sufficiency related activities is subject to penalties.

At application, specialists are required to conduct a preliminary barrier assessment to determine the client's readiness for a PATH referral. BEM 229 (January 2021), pp. 1-2. Barriers include access to childcare, transportation and certain disabilities. *Id.*, p. 2. If barriers exist, MDHHS must temporarily defer an applicant from the PATH program until the barrier is removed. *Id.* Regarding medical disabilities that require further assessment or verification, MDHHS must temporarily defer an applicant before a decision about a lengthier deferral is made. *Id.* Clients should not be referred to PATH orientation or be required to complete the 10-day PATH application eligibility period (AEP) until it is certain that barriers to participation have been removed and disabilities have been accommodated. If an individual qualifies for a deferral, PATH is not mandatory, and the individual is not referred to PATH at application. *Id.*, p. 3. When assigned to PATH, clients must engage in and comply with all PATH assignments while the FIP application is pending. BEM 229 (January 2021), p. 6. PATH engagement is a condition of FIP eligibility for clients assigned to PATH. *Id.*

MDHHS must make reasonable efforts to ensure that persons with disability-related needs or limitations will have an effective and meaningful opportunity to benefit from MDHHS programs and services to the same extent as persons without disabilities. BEM

230A, p. 2. Efforts to accommodate persons with disabilities includes modifying program requirements, providing the person with extra assistance and extending job search and job readiness time limits. *Id.*, p. 4. Individuals receiving RSDI on the basis of disability or blindness are deferred from PATH. *Id.*, p. 10. Individuals with mental or physical illnesses, limitations or incapacity expected to last less than three months may qualify for short-term incapacity and may be deferred for up to three months. *Id.*, p. 11. MDHHS is required to verify the short-term incapacity or length of the incapacity and set a medical review date. *Id.* If an individual has an incapacity or disability expected to last more than 90 days, the individual may qualify for long-term incapacity, and be deferred from the PATH program and work-related activities. *Id.*

Petitioner testified that she informed MDHHS that she had a medical condition and did not have childcare for her minor children. Petitioner stated that she informed MDHHS of her medical condition, and the specialist said that she would send her a form (54-E/3503) to be completed by her doctor. Petitioner did not receive the form prior to MDHHS' decision to deny her FIP application. Petitioner stated that she could not attend the PATH orientation because she had conflicting doctor's appointments for herself and her children and because she lacked childcare. Additionally, Petitioner testified that she attempted to call her specialist numerous times in the month of July to explain the situation. When she was unable to reach her specialist, she attempted to contact her supervisor and called the MDHHS central office in an attempt to resolve her situation. Petitioner's attempts to contact MDHHS were largely unsuccessful. Petitioner's testimony was credible and un rebutted.

Given Petitioner's alleged medical condition and lack of childcare, MDHHS should have temporarily deferred Petitioner from the PATH program until further assessment or verification could be obtained. See BEM 229, p. 2. Petitioner should not have been referred to PATH until her barriers were removed and/or her disability was accommodated.

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 MDHHS did not act in accordance with Department policy when it denied Petitioner's FIP application.

DECISION AND ORDER

Accordingly, the MDHHS decision is **REVERSED**.

MDHHS 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. Re-register Petitioner's [REDACTED] 2022 FIP application;
2. Redetermine Petitioner's eligibility for FIP, assessing any barriers and requesting verification of claimed medical conditions;
3. If Petitioner is eligible for FIP, issue supplements for any FIP benefits that Petitioner was eligible to receive but did not, from the date of eligibility ongoing; and
4. Notify Petitioner if its decision in writing.

LJ/tm



Linda Jordan
Administrative Law Judge

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

Via-Electronic Mail :

DHHS
Susan Noel
Wayne-Inkster-DHHS
26355 Michigan Ave
Inkster, MI 48141

Interested-Parties

D. Sweeney
G. Vail
BSC4
MOAHR

Via-First Class Mail :

Petitioner

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