



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: December 19, 2022
MOAHR Docket No.: 22-004129
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 1, 2022. The Petitioner was represented by herself and her Attorney, Min Kim, P# 57707 from Legal Services of South Central Michigan. The Department of Health and Human Services (Department) was represented by Ryan Clemons, Family Independent Manager and Rupal Patel, Eligibility Specialist. The hearing was translated by the translator, [REDACTED]. The Department submitted Department Exhibit 1, pgs. 1-80, which was admitted and made a part of the record.

ISSUE

Did the Department properly close the Petitioner's Family Independence Program (FIP) case due to noncompliance with the Medical Review Team (MRT)?

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] 2020, the Petitioner applied for FIP benefits where the Petitioner had been deferred from program participation requirements.
2. On January 13, 2022, MRT denied the Petitioner for a long-term deferral of Partnership. Accountability. Training. Hope. (PATH) due to failure to cooperate.
3. On February 14, 2022, the Department Caseworker sent the Petitioner a PATH Appointment Notice, DHS 4785, for the Petitioner to attend training on February 22, 2022, at 9:00 a.m.

4. On August 3, 2022, the Department Caseworker sent the Petitioner a Notice of Non-Compliance for an oral/written refusal to comply for a scheduled triage for August 11, 2022, at 1:00 p.m.
5. On August 3, 2022, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that her FIP benefits were closed effective September 1, 2022, for failure to comply with PATH.
6. On August 11, 2022, the Petitioner was a no call/no show for the triage where the FIP case was closed and the first offense FIP sanction applied to the case for September 1, 2022, through November 30, 2022.
7. On September 16, 2022, the Department received a hearing request from the 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, the Petitioner applied for FIP benefits on [REDACTED] 2020, where the Petitioner had been deferred from program participation requirements. On January 13, 2022, MRT denied the Petitioner for a long-term deferral of PATH due to failure to cooperate. On February 14, 2022, the Department Caseworker sent the Petitioner a PATH Appointment Notice, DHS 4785, for the Petitioner to attend training on February 22, 2022, at 9:00 a.m. On August 3, 2022, the Department Caseworker sent the Petitioner a Notice of Non-Compliance for an oral/written refusal to comply for a scheduled a triage for August 11, 2022, at 1:00 p.m.

On August 3, 2022, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that her FIP benefits were closed effective September 1, 2022, for failure to comply with PATH. On August 11, 2022, the Petitioner was a no call/no show for the triage where the FIP case was closed and the first offense FIP sanction applied to the case for September 1, 2022, through November 30, 2022. On September 16, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

During the hearing, the Petitioner's Attorney stated that the MRT had sent their packet to the wrong address. The Petitioner had updated her address with the Department, but the Department had failed to update her address with MRT. The Petitioner never received the packet from MRT, so she was not in noncompliance with the Department. The Department agreed to resubmit her packet to MRT with the correct address, reinstate her FIP benefits retroactive to September 1, 2020, remove the FIP sanction, and expedite the BRIDGES fix-it ticket.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it didn't properly update the Petitioner's address with MRT.

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

The Department is ordered to begin doing the following, in accordance with department policy and consistent with this hearing decision, of initiating a redetermination of the Petitioner's eligibility for FIP, to resubmit her packet to MRT with the correct address, reinstate her FIP benefits retroactive to September 1, 2020, remove the FIP sanction, and expedite the BRIDGES fix-it ticket.

Based on policy, the Department should provide the Petitioner with written notification of the Department's revised eligibility determination and issue the Petitioner any retroactive benefits she/he may be eligible to receive, if any.

CF/cc



Carmen G. Fahie

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 :

Interested Parties

MDHHS-Washtenaw-Hearings
BSC4-HearingDecisions
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Petitioner

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