



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

████████████████████
████████████████████
████████████████████, MI ██████████

Date Mailed: December 6, 2022
MOAHR Docket No.: 22-005173
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Christie Trombley FIS. Department Exhibit 1, pp. 1-35 was received and admitted.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) benefits for failing to complete a Family Self Sufficiency Plan within the required time frame?

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 ██████ ██████ ██████ Petitioner applied for FIP.
2. On July 28, 2022, Petitioner was approved for FIP and deferred from PATH work requirements.
3. On August 8, 2022, Petitioner was mailed an Appointment Notice scheduling an August 26, 2022, phone interview. (Ex. 1, p. 25)
4. On August 26, 2022, Petitioner was called for the appointment, and she did not answer, a voicemail message was left for Petitioner.

5. On September 15, 2022, Notice of Non-Compliance was sent to Petitioner informing her that her case would close, and her case would be sanctioned and scheduling a triage meeting for September 27, 2022. (Ex.1, pp. 14-26)
6. Petitioner failed to appear for the scheduled triage meeting, and she was found to not have good cause.
7. On [REDACTED] [REDACTED] Petitioner filed a new FIP application, and that application was denied because her case was in sanction.
8. On [REDACTED] [REDACTED] Petitioner requested hearing disputing the closure of FIP.

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.

DEPARTMENT PHILOSOPHY

The Family Independence Program (FIP) is temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency related activities so they can become self-supporting.

DEPARTMENT POLICY

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. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. PATH is administered by the Talent and Economic Development (TED), State of Michigan through the Michigan one-stop service centers. PATH serves

employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. PATH case managers use the One-Stop Management Information System (OSMIS) to record the clients' assigned activities and participation.

WEIs not referred to PATH will participate in other activities to overcome barriers so they may eventually be referred to PATH or other employment service provider. Michigan Department of Health & Human Services (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. For more about penalties, see BEM 233A. See BEM 230B and BEM 233B for FAP employment requirements.

INFORMING CLIENTS

The MDHHS-1171 Info, Information Booklet, provides each applicant with information about the work requirements. The same information about work requirements is provided in the MI Bridges online application. Review information found in the Information Booklet or direct the client to review his/her MI Bridges online application and the DHS-1538, Work and Self-Sufficiency Rules, with clients at application, redetermination and when a change in circumstances might affect the person's required hours of participation. Review all the following information:

- Work requirements and reasons why a person may be deferred from work participation.
- Rights and responsibilities.
- Self-sufficiency requirements.
- Penalties for non-compliance, good cause, the triage and hearing processes and good cause.
- Right of deferred persons to participate.
- Reporting requirements, including income verification and the DHS-630, Weekly Activity Log, in this item.

- FIP time limit restrictions.
- Prohibited use of FIP to purchase lottery tickets, alcohol, or tobacco. It is also prohibited for gambling, illegal activities, massage parlors, spas, tattoo shops, bail-bond agencies, adult entertainment, cruise ships or other nonessential items. BEM 233A (October 2022)

In this case, Petitioner was aware that she needed to complete a family self-sufficiency plan and participate in a phone interview. Petitioner was given proper notice of the requirements in her application and was provided proper notice of the phone interview. (Ex. 1, p.25)

Petitioner testified at hearing that she was out of town from July 29, 2022, through September 27, 2022, tending to her sick father. Petitioner acknowledged that she received a voice message about her phone appointment and took no action. Petitioner failed to complete the phone interview within the required time frame without good cause, therefore the closure for failing to comply with FIP requirements was proper and correct and consistent with Department policy. BEM 233A Petitioner could have and should have responded to the voice message about her phone interview or if she believed she had good cause she needed to assert what her good cause reasons at the triage meeting. Petitioner failed to appear at the triage meeting and made no assertions of good cause prior to the closure of her case.

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 for failing to complete a Family Self Sufficiency Plan within the required time frame.

DECISION AND ORDER

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



AM/nr

Aaron McClintic
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

