



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: February 24, 2023  
MOAHR Docket No.: 23-000457  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Ellen McLemore**

**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 February 22, 2023, via conference line. Petitioner was present and was unrepresented. The Department of Health and Human Services (Department) was not present.

**ISSUE**

Did the Department properly deny Petitioner's Family Independence Program (FIP) benefit application?

**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 submitted an application for FIP benefits.
2. On December 6, 2022, the Department sent Petitioner a PATH Appointment Notice.
3. On December 28, 2022, the Department sent Petitioner a Notice of Case Action informing her that her FIP application was denied.
4. On January 12, 2023, Petitioner submitted a request for hearing disputing 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 submitted an application for FIP benefits. On December 6, 2022, the Department sent Petitioner a PATH Appointment Notice informing her that she had an orientation meeting on December 13, 2022. The Department denied Petitioner's FIP application for her failure to attend orientation.

All Work Eligibility Individuals (WEI), unless temporarily deferred, must engage in employment that pays at least state minimum wage or participate in employment services. BEM 230A (October 2015), p. 4. Applicants must complete the 21-day Partnership. Accountability. Training. Hope (PATH) application eligibility period (AEP) part of orientation, which is an eligibility requirement for approval of the FIP application. BEM 229 (October 2015) p. 1. PATH participants must complete all of the following in order for their FIP application to be approved: (i) begin the AEP by the last date to attend as indicated on the DHS-4785, PATH Appointment Notice; (ii) complete PATH AEP requirements; and (iii) continue to participate in PATH after completion of the 21-day AEP. BEM 229, p. 1.

At the hearing, Petitioner testified that she attempted to attend her PATH orientation, but the building was closed for renovations. Petitioner was notified to go to a location in Dearborn, Michigan. When arriving in Dearborn, Petitioner was told to return to the original location. Petitioner contacted her worker to attempt to obtain information and a new appointment date.

Absent from the hearing, the Department failed to rebut Petitioner's testimony. Petitioner attempted to attend her PATH orientation but was unable to do so through no fault of her own. Therefore, the Department did not act in accordance with policy when it denied Petitioner's FIP application.

**DECISION AND ORDER**

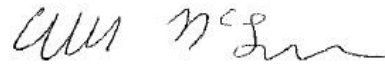
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it denied Petitioner's FIP application.

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, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate and reprocess Petitioner's [REDACTED] 2022, FIP application;
2. If Petitioner is eligible for FIP benefits, issue supplements she is entitled to receive; and
3. Notify Petitioner of its decision in writing.

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**Ellen McLemore**  
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**  
Linda Gooden  
Oakland County Southfield District III  
25620 W. 8 Mile Rd  
Southfield, MI 48033  
**MDHHS-Oakland-6303-  
Hearings@michigan.gov**

**Interested Parties**

G. Vail  
D. Sweeney  
BSC4  
MOAHR

**Via-First Class Mail :**

**Petitioner**

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