



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

Date Mailed: September 28, 2023
MOAHR Docket No.: 23-005262
Agency No.: [REDACTED]
Petitioner: [REDACTED]

[REDACTED]
MI [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On August 10, 2023, Petitioner, [REDACTED] requested a hearing to dispute a Family Independence Program (FIP) application denial. Following Petitioner's hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 45 CFR 205.10, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on September 27, 2023. Petitioner appeared at the hearing and represented herself. Respondent, Department of Health and Human Services (Department), had Ryan Kennedy, Hearing Facilitator, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 19-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly deny Petitioner FIP?

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] 2023, Petitioner applied for FIP benefits from the Department.
2. On July 7, 2023, the Department mailed a PATH Appointment Notice to Petitioner. The notice informed Petitioner that she was required to attend PATH, and it informed her that she was scheduled to attend PATH on July 17, 2023. The notice also informed Petitioner that she had 15 days from the date of the

notice to attend PATH, and it informed her that her application for FIP would be denied if she did not attend PATH or call to reschedule her appointment within 15 days from the date of the notice.

3. Petitioner did not attend PATH on July 17, 2023.
4. Petitioner unsuccessfully attempted to reschedule her PATH appointment before the 15-day deadline expired. Petitioner called the Department in attempt to extend her deadline, but Petitioner was unable to get the Department to extend her deadline.
5. On August 3, 2023, the Department mailed a notice of case action to Petitioner to notify her that her FIP application was denied.
6. Petitioner requested a hearing to dispute the Department's decision to deny her FIP application.

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 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.

Petitioner is disputing the Department's decision to deny her FIP application. The Department denied Petitioner's FIP application because the Department determined that Petitioner did not attend PATH as required.

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 (October 1, 2022), p. 1. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. *Id.* The last date for a client to attend PATH is 15 calendar days from the date the PATH Appointment Notice is sent. *Id.* at p. 5. If the client calls to reschedule before the 15th day, the Department should extend the date for the client. *Id.* When a client fails to participate in PATH while an application is pending, the client is in noncompliance, and this results in the group being ineligible for FIP. BEM 233A (October 1, 2022), p. 7.

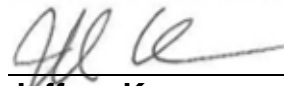
Based on the evidence presented, Petitioner did not attend her PATH appointment, but Petitioner called the Department to have her PATH appointment rescheduled before the 15-day deadline expired. Under these circumstances, the Department should have extended Petitioner's deadline to participate in PATH, but the Department did not. Since the Department did not extend Petitioner's deadline to participate in PATH when the Petitioner requested an extension, the Department did not act in accordance with BEM 230A.

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 its policies and the applicable law when it denied Petitioner's FIP application.

IT IS ORDERED the Department's decision is **REVERSED**. The Department shall reprocess Petitioner's [REDACTED] 2023, FIP application, and the Department shall determine Petitioner's eligibility based on the [REDACTED] 2023, application date. The Department shall begin to implement this decision within 10 days of the date of mailing of this decision and order.

JK/ml



Jeffrey Kemm
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

Vivian Worden

Macomb County DHHS Mt. Clemens Dist.

44777 Gratiot

Clinton Township, MI 48036

MDHHS-Macomb-12-Hearings@michigan.gov

Interested Parties

BSC4

B Sanborn

G Vail

D Sweeney

MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]