



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

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

Date Mailed: November 15, 2023
MOAHR Docket No.: 23-006817
Agency No.: 102230951
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On October 2, 2023, Petitioner, [REDACTED] requested a hearing to dispute a Family Independence Program (FIP) closure. 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 November 14, 2023. Petitioner appeared at the hearing and represented himself. Respondent, Department of Health and Human Services (Department), had Melissa Stanley, Hearing Facilitator, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 43-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly close Petitioner's 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 August 24, 2021, Disability Determination Service (DDS) determined that Petitioner was not disabled, and DDS determined that Petitioner was work ready with limitations.
2. On August 25, 2023, the Department mailed a PATH Appointment Notice to Petitioner. The notice informed Petitioner that he was required to attend PATH, and it informed him that he was scheduled to attend PATH on September 5,

2023. The notice also informed Petitioner that he had 15 days from the date of the notice to attend PATH, and it informed him that his FIP would close if he did not attend PATH or call to reschedule his appointment within 15 days from the date of the notice.

3. Petitioner was an ongoing FIP recipient at the time.
4. Petitioner did not attend PATH on September 5, 2023.
5. On September 20, 2023, the Department issued a notice of case action to Petitioner to notify him that his FIP was closing effective November 1, 2023, because Petitioner failed to participate in employment and/or self-sufficiency-related activities.
6. On September 20, 2023, the Department also issued a notice of non-compliance that informed Petitioner that he was scheduled for a triage appointment on September 26, 2023, to address the reason for Petitioner's non-compliance.
7. On September 26, 2023, Petitioner met with the Department, and Petitioner provided a medical needs form to show that Petitioner could not work. The medical needs form that Petitioner provided was incomplete and did not have any information regarding whether Petitioner was able to work.
8. Following the triage appointment, the Department determined that Petitioner did not have good cause for his non-compliance.
9. Petitioner requested a hearing to dispute the Department's decision to close his 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 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 close his FIP. The Department closed Petitioner's FIP because the Department determined that Petitioner did not attend PATH as required, and the Department determined that Petitioner did not have good cause for his non-compliance.

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.*

Recipients determined by DDS to be work ready with limitations are required to participate in PATH as defined by DDS. *Id.* at p. 13. When a client determined by DDS to be work ready with limitations becomes non-compliant with PATH, the instructions in BEM 233A apply. *Id.* at p. 15. Those instructions state that a recipient who fails to participate in PATH is non-compliant. BEM 233A (October 1, 2022), p. 2. The penalty for non-compliance without good cause for an active FIP recipient is closure. *Id.* at p. 8.

Petitioner was determined by DDS to be work ready with limitations, so Petitioner was required to participate in PATH. Petitioner became non-compliant when Petitioner failed to participate in PATH as scheduled. Since Petitioner was non-compliant, the Department was required to close Petitioner's FIP unless Petitioner had good cause for his non-compliance.

Good cause is a valid reason for non-compliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the non-compliant person. *Id.* at p. 4. A claim of good cause must be verified. *Id.* Petitioner did not present sufficient evidence to establish that he had good cause for his non-compliance. Petitioner asserted that he was unable to work, but Petitioner did not present sufficient evidence to support his assertion. Therefore, based on the evidence presented, Petitioner did not have good cause for his non-compliance.

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 act in accordance with its policies and the applicable law when it closed Petitioner's Family Independence Program assistance.

IT IS ORDERED the Department's decision is **AFFIRMED**.

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
Elisa Daly
Saginaw County DHHS
411 East Genesee
Saginaw, MI 48607
MDHHS-Saginaw-Hearings@michigan.gov

Interested Parties
BSC2
B Sanborn
MOAHR

Via First Class Mail:

Petitioner
[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]