



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]
MI [REDACTED]

Date Mailed: November 29, 2023
MOAHR Docket No.: 23-007004
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On October 12, 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 28, 2023. Petitioner appeared at the hearing and represented herself. 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 23-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 9, 2023, the Department mailed a PATH Appointment Notice to Petitioner. The notice informed Petitioner that she was required to attend PATH by appearing at the Michigan Works Saginaw office, and it informed her that she was scheduled to attend PATH on August 22, 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 FIP would close if she did not attend PATH or call to reschedule her appointment within 15 days from the date of the notice.

2. Petitioner was an ongoing FIP recipient at the time.
3. On August 22, 2023, Petitioner called to reschedule her PATH appointment. Petitioner rescheduled her PATH appointment for August 24, 2023.
4. Petitioner did not attend her PATH appointment at the Michigan Works Saginaw office on August 24, 2023.
5. On August 29, 2023, Petitioner attempted to attend or reschedule her PATH appointment with Michigan Works, and Michigan Works would not permit Petitioner to attend or reschedule her PATH appointment because her last day to attend was August 25, 2023.
6. On September 26, 2023, the Department issued a notice of case action to Petitioner to notify her that her FIP was closing effective November 1, 2023, because Petitioner failed to participate in employment and/or self-sufficiency-related activities.
7. On September 26, 2023, the Department also issued a notice of non-compliance that informed Petitioner that she was scheduled for a triage appointment on October 3, 2023, to address the reason for Petitioner's non-compliance. The notice instructed Petitioner that her appointment was scheduled for 8:30 a.m. at the Saginaw County DHS office, and it informed her that she was required to call before her appointment if she wanted to complete her appointment by phone.
8. Petitioner did not call to schedule a telephone appointment before her scheduled triage appointment, and Petitioner did not appear at the Saginaw County DHS office for her scheduled triage appointment. The Department unsuccessfully attempted to contact Petitioner by telephone to complete the triage appointment.
9. Following the triage appointment, the Department determined that Petitioner did not have good cause for her non-compliance.
10. Petitioner requested a hearing to dispute the Department's decision to close her 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 her 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 her 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.*

Petitioner was required to participate in PATH. Petitioner became non-compliant when Petitioner failed to participate in PATH as scheduled. Petitioner failed to participate in PATH as scheduled because Petitioner did not attend PATH at the Michigan Works Saginaw office within 15 days from the date the PATH Appointment Notice was sent. Since Petitioner was non-compliant, the Department was required to close Petitioner's FIP unless Petitioner had good cause for her non-compliance.

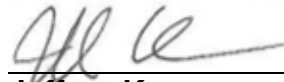
Good cause is a valid reason for non-compliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the non-compliant person. *Id.* at p. 4. A claim of good cause must be verified. *Id.* Petitioner did not present sufficient evidence to establish that she had good cause for her non-compliance. Petitioner asserted that she attempted to attend her PATH appointment on August 24, 2023, but Petitioner did not present sufficient evidence to support her assertion. Therefore, based on the evidence presented, Petitioner did not have good cause for her 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]
MI