



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
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: January 19, 2024
MOAHR Docket No.: 23-008619
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On November 16, 2023, Petitioner, [REDACTED] requested a hearing to dispute the closure of her Family Independence Program (FIP) case. 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 January 17, 2024. Petitioner appeared at the hearing and represented herself. Respondent, Department of Health and Human Services (Department) was represented by Brad Reno, Senior Eligibility Specialist/Hearing Facilitator.

A 59-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 case?

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 September 25, 2023, the Department mailed a Partnership Accountability Training Hope (PATH) Appointment Notice to Petitioner. The notice informed Petitioner that she was required to attend PATH by appearing at the Michigan Works [REDACTED] County office, and it informed her that she was scheduled to attend PATH on October 4, 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 case 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. Petitioner did not attend her PATH appointment at the Michigan Works [REDACTED] County office on October 4, 2023.
4. On October 14, 2023, the Department issued a Notice of Case Action to Petitioner to notify her that her FIP case was closing effective November 1, 2023, because Petitioner failed to participate in employment and/or self-sufficiency-related activities.
5. On October 14, 2023, the Department also issued a Notice of Non-Compliance that informed Petitioner that she was scheduled for a triage appointment on October 25, 2023, to address the reason for Petitioner's non-compliance. The notice instructed Petitioner that her appointment was scheduled for 9:00 a.m. at the [REDACTED] County DHS [REDACTED] District office, and it informed her that she was required to call before her appointment if she wanted to complete her appointment by phone. The notice also advised Petitioner that this is the second time that she has been non-compliant, and her FIP case would close for a minimum of 6 months as a result of a second non-compliance.
6. Petitioner did not call to schedule a telephone appointment before her scheduled triage appointment, and Petitioner did not appear at the [REDACTED] County DHS [REDACTED] District office for her scheduled triage appointment. The Department unsuccessfully attempted to contact Petitioner by telephone to complete the triage appointment.
7. The Department determined that Petitioner did not have good cause for her non-compliance.
8. On November 18, 2023, the Department received Petitioner's hearing request to dispute the Department's decision to close her FIP case.

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 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.

Petitioner is disputing the Department's decision to close her FIP case. The Department closed Petitioner's FIP case 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 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 ██████████ County 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 case 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, and this was Petitioner's second non-compliance. The penalty for a second non-compliance results in the closure of the FIP case for not less than six calendar months. BEM 223A (October 1, 2022), p. 8.

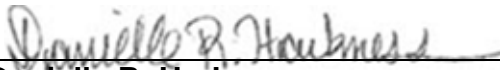
Petitioner asserted that she did not receive the September 25, 2023, PATH Appointment Notice or the October 14, 2023, Notice of Non-Compliance because she was homeless at that time. When Petitioner applied for FIP benefits, she indicated that she resided at her mother's address. Therefore, the Department sent all notices to the address that Petitioner provided on her application for benefits. Petitioner indicated that the mailing address she provided to the Department was her mother's home and mail stopped being delivered to that address. Mr. Reno stated that neither the September 25, 2023, PATH Appointment Notice nor the October 14, 2023, Notice of Non-Compliance were returned to the Department as undeliverable. In this case, it was proper for the Department to send all notices to the address that Petitioner provided on her application for benefits. Further, no evidence was provided by Petitioner to show that mail was not being properly delivered to her mother's address. 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 acted in accordance with its policies and the applicable law when it closed Petitioner's FIP case.

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

DRH/tlf



Danielle R. Harkness
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

Janice Collins

Genesee County DHHS Union St District Office

125 E. Union St 7th Floor

Flint, MI 48502

MDHHS-Genesee-UnionSt-Hearings@michigan.gov

Interested Parties

BSC2

B. Sanborn

MOAHR

Via-First Class Mail:

Petitioner

[REDACTED]
MI [REDACTED]