



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

[REDACTED], MI [REDACTED]

Date Mailed: February 16, 2024
MOAHR Docket No.: 24-000343
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On January 9, 2024, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute the closure of her Family Independence Program (FIP) cash assistance benefits. 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 February 14, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Melissa Stanley, Hearings Facilitator, and Stacy Pyror, Family Independence Specialist.

A 24-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 cash assistance benefits when it determined that Petitioner failed to participate in the Partnership Accountability Training Hope (PATH) program?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was receiving FIP cash assistance from the Department.
2. Petitioner was required to participate in the PATH program.
3. As a PATH participant, Petitioner was required to complete assignments by set deadlines and attend scheduled meetings.

4. On October 3, 2023, Petitioner contacted Work First stating that she did not feel safe going to the community service site that she had been attending and asked if she could obtain another assignment. Petitioner's call was returned later that day. However, Petitioner was unable to be reached.
5. On October 9, 2023, Petitioner was asked if she had submitted her community service hours. Petitioner reported that she had submitted her hours in the drop box earlier that morning. Petitioner also reported that she was having issues with transportation, and she was informed that the PATH program could assist with bus tokens and/or mileage. Petitioner was also reminded that she would be held in non-compliance with PATH if she did not comply with her community service requirements.
6. On October 10, 2023, Petitioner submitted 21 community service hours.
7. On October 18, 2023, Petitioner was asked to submit her community service hours. Petitioner stated that she was unable to perform her community service hours due to lack of transportation. Petitioner was then advised that she was being held in non-compliance with the PATH program and was being placed on 120 days of probation from October 18, 2023, to February 14, 2023, but would be reengaged beginning October 18, 2023.
8. On October 30, 2023, Petitioner attended a PATH appointment. Petitioner reported that she did not have community service hours to submit for October 2023. In response, Petitioner was advised that she had failed her 120 days of probation and was being referred to DHHS for a determination at triage.
9. On November 6, 2023, Petitioner contacted the Department stating she was unable to attend the triage meeting and asked if she could complete the meeting via telephone, at which time Petitioner was advised that the triage meeting would be held via telephone.
10. On November 7, 2023, a triage meeting was scheduled, however, Petitioner was unable to be reached.
11. On January 9, 2024, Petitioner requested a hearing to dispute the closure of her FIP cash assistance benefits.

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.

In this case, the Department closed Petitioner's FIP cash assistance benefits because Petitioner did not participate in PATH as required. Petitioner is disputing the Department's decision to close her FIP cash assistance benefits.

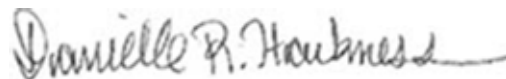
A FIP recipient is required to develop a plan and participate in activities that will strengthen the family and/or help them reach self-sufficiency. BEM 228 (January 1, 2020), p. 1. To accomplish this objective, each FIP recipient is required to participate in PATH and meet guidelines for work participation, unless verified as deferred. *Id.* at 2. An individual who fails without good cause to participate must be penalized. BEM 233A (January 1, 2020), p. 1. Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the individual. *Id.* at 4. The penalty for non-compliance without good cause is FIP closure. *Id.* at 8.

Based on the evidence presented, the Department properly closed Petitioner's FIP cash assistance benefits because Petitioner failed to establish good cause for her failure to complete the PATH participation requirements. Petitioner failed to provide any credible, material, or substantial evidence to support her assertion that she completed the PATH participation requirements.

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 cash assistance benefits effective December 1, 2023, due to Petitioner's failure to comply with the PATH participation requirements.

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



Danielle R. Harkness
Administrative Law Judge

DH/nr

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
Saginaw County DHHS
BSC2
B. Sanborn
H. Norfleet
N. Denson-Sogbaka
B. Cabanaw
G. Vail
MOAHR

Via-First Class Mail :

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