



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
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: March 7, 2024
MOAHR Docket No.: 24-001141
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On January 23, 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 March 6, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Amber Gibson, Hearings Facilitator.

A 12-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 complete employment/self-sufficiency related activity logs from November 14, 2023, through December 30, 2023?

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 deferred from the Partnership Accountability Training Hope (PATH) program due to a disability.
3. Petitioner was required to completed employment/self-sufficiency related activity logs by set deadlines.

4. On November 14, 2023, the Department mailed to Petitioner employment/self-sufficiency weekly logs for November 19, 2023, through December 30, 2023.
5. Because Petitioner had not returned the required logs or contacted the Department to indicate why she was unable to comply with the required activity, a Notice of Noncompliance was mailed to Petitioner on January 11, 2024, and a triage meeting was scheduled on January 17, 2024.
6. During the January 17, 2024, triage meeting, Petitioner advised the Department that she could not complete the required logs due to her disability as she can hardly stand or walk due to back pain. Further, Petitioner indicated that the logs were wet when she received them in the mail but was unable to contact the Department to request new logs due to her disability.
7. On January 23, 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 complete employment/self-sufficiency related activity logs from November 14, 2023, through December 30, 2023.

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.

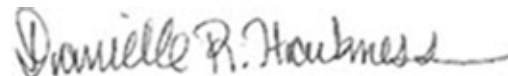
Based on the evidence presented, the Department properly closed Petitioner's FIP cash assistance benefits because Petitioner failed to establish good cause for her failure to

complete employment/self-sufficiency related activity logs. Petitioner indicated that due to her disability she was unable to advise the Department that she could not complete her required logs because they were wet when she received them and due to her disability. However, evidence was presented that Petitioner has household members that could have assisted her in contacting the Department to request new forms and/or advise the Department that Petitioner was unable to comply with the required activity. Petitioner failed to show good cause for her failure to complete the required employment/self-sufficiency related activity logs.

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 February 1, 2024, due to Petitioner's failure to complete the required employment/self-sufficiency related activity logs.

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



DH/nr

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
Amber Gibson
Ingham County DHHS
5303 South Cedar
Lansing, MI 48911
**MDHHS-Ingham-
Hearings@michigan.gov**

Interested Parties
Ingham County DHHS
BSC2
B. Sanborn
MOAHR

Via-First Class Mail :

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