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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
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EXECUTIVE DIRECTOR

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DIRECTOR

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Date Mailed: June 7, 2024
MOAHR Docket No.: 24-005192
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On April 23, 2024, Petitioner, ██████████ 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 June 6, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Lianne Scupholm, Hearings Facilitator. Christopher Cooper, PATH Career Coach, and Wendy Mohr, Case Manager, appeared as witnesses for the Department.

An 18-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 activities without good cause?

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 attend meetings on ██████████ 2024, and ██████████ 2024.
3. Petitioner failed to attend the ██████████ 2024, and ██████████ 2024, meetings.
4. Petitioner was required to submit completed job search logs by set deadlines. Exhibit A, p. 13.
5. On March 14, 2024, Petitioner was required to submit job search logs for the week of March 10, 2024. *Id.* at p. 13.

6. On March 21, 2024, Petitioner was required to submit job search logs for the week of March 17, 2024. *Id.*
7. Petitioner failed to submit the required job search logs.
8. Because Petitioner failed to attend the required meetings on [REDACTED] 2024, and [REDACTED] 2024, and failed to submit a job search log for the week of March 10, 2024, and March 17, 2024, a noncompliance warning notice was mailed to Petitioner's last-known address of record on March 29, 2024. *Id.* at pp. 6-7.
9. The March 29, 2024, notice also gave Petitioner notice that a re-engagement appointment was scheduled on April 5, 2024, at 1:00 p.m. *Id.*
10. Petitioner failed to attend the April 5, 2024, re-engagement appointment.
11. Because Petitioner failed to attend the April 5, 2024, re-engagement appointment, a notice of non-compliance was mailed to Petitioner on April 5, 2024, finding Petitioner was in non-compliance with the requirements for FIP, and the Department closed Petitioner's case for 3 months. *Id.* at pp. 8-10. A triage meeting was also scheduled on April 17, 2024, at 1:15 p.m. *Id.*
12. During the April 17, 2024, triage meeting, Petitioner stated that her [REDACTED] was in the hospital for a few days and was released from the hospital on [REDACTED] 2024. Therefore, Petitioner argued that she had good cause for not attending the April 5, 2024, re-engagement appointment.
13. Petitioner indicated that she attempted to contact PATH to re-schedule her [REDACTED] [REDACTED] 2024, re-engagement appointment, but was unable to provide proof of her attempts to contact PATH.
14. Due to lack of transportation and childcare, Petitioner was unable to attend the [REDACTED] 2024, and [REDACTED] 2024, meetings.
15. Because Petitioner failed to attend required meetings and submit job search logs, it was determined by the Department that Petitioner did not have good cause for her noncompliance.
16. On [REDACTED] 2024, Petitioner requested a hearing to dispute the closure of her FIP cash assistance benefits. *Id.* at pp. 3-5.

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.

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.

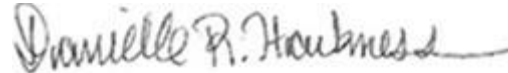
In this case, the Department closed Petitioner's FIP cash assistance benefits because Petitioner failed to attend meetings on [REDACTED] 2024; [REDACTED] 2024; and [REDACTED], 2024, and failed to complete job search logs for the week of [REDACTED] 2024, and [REDACTED] 2024. As to her failure to attend the [REDACTED] 2024, and [REDACTED] 2024, meetings, Petitioner indicated that she had no transportation or childcare. As to the [REDACTED] 2024, meeting, Petitioner indicated that she could not attend due to childcare responsibilities. Petitioner testified that she contacted Mr. Cooper via telephone to re-schedule her [REDACTED] 2024, meeting. As to Petitioner's failure to complete job search logs, Petitioner testified that she was unable to complete the required job search logs because she was going through an eviction at that time and CPS was also called on her. However, no evidence was provided to show that Petitioner attempted to contact the Department to advise the department that she was unable to comply with the PATH requirements.

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 activities.

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 May 1, 2024, due to Petitioner's failure to complete the required employment/self-sufficiency related activities.

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



Danielle R. Harkness
Administrative Law Judge

DH/pt

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
Kristina Etheridge
Calhoun County DHHS
190 East Michigan
Battle Creek, MI 49016
MDHHS-Calhoun-Hearings@michigan.gov

Interested Parties

BSC3
B Sanborn
MOAHR

Petitioner

Via First Class Mail:

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