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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



Date Mailed: July 26, 2024
MOAHR Docket No.: 24-007056
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned administrative law judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a hearing was held via telephone conference line on July 18, 2024. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Shaeika Smith, specialist. Esraa Farag of Linguistica International participated as an Arabic-English translator.

ISSUE

The issue is whether MDHHS properly denied Petitioner's application for Family Independence Program (FIP) benefits.

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 [REDACTED] [REDACTED] 2024, Petitioner applied for FIP benefits and reported a household that included her husband, [REDACTED] [REDACTED] (hereinafter, "Spouse").
2. On May 3, 2024, MDHHS mailed Petitioner and Spouse notices informing Petitioner and Spouse of an obligation to attend Partnership-Accountability-Training-Hope (PATH) orientation on May 14, 2024.
3. On May 13, 2024, Petitioner called MDHHS to request a rescheduled date to attend PATH due to Spouse's illness and/or Petitioner's pregnancy and/or need for childcare. MDHHS denied Petitioner's request.

4. On May 14, 2024, Petitioner and Spouse failed to attend PATH orientation.
5. On May 21, 2024, Petitioner requested a hearing to dispute the denial of FIP benefits.

CONCLUSIONS OF LAW

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 (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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a termination of FIP benefits. Exhibit A, pp. 3-5. Petitioner applied for FIP benefits on [REDACTED] [REDACTED] 2024. A Notice of Case Action dated May 28, 2024, stated that Petitioner's application for FIP was denied due to a benefit group member failing to attend PATH orientation. Exhibit A, pp. 8-13.

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 2022) p. 1. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. *Id*

As a condition of eligibility, all WEIs and some non-WEIs must work or engage in employment and/or self-sufficiency-related activities. BEM 233A (October 2022) p. 2. Noncompliance of applicants, recipients, or member adds means doing any of the following without good cause:

- Failing/refusing to appear and participate with PATH or other employment service provider.
- Failing/refusing to complete a Family Automated Screening Tool (FAST), as assigned as the first step in the Family Self-Sufficiency Plan (FSSP) process.
- Failing/refusing to develop a FSSP.
- Failing/refusing to comply with activities assigned on the FSSP.
- Failing/refusing to provide legitimate documentation of work participation.
- Failing/refusing to appear for a scheduled appointment or meeting related to assigned activities.
- Failing/refusing to participate in employment and/or self-sufficiency-related activities.
- Failing/refusing to participate in required activity.
- Failing/refusing to accept a job referral.
- Failing/refusing to complete a job application.
- Failing/refusing to appear for a job interview (generally)

- Stating orally or in writing a definite intent not to comply with program requirements.
- Threatening, physically abusing or otherwise behaving disruptively toward anyone conducting or participating in an employment and/or self-sufficiency-related activity.
- Refusing employment support services if the refusal prevents participation in an employment and/or self-sufficiency-related activity. *Id.*, pp. 2-3.

A Work Eligible Individual (WEI) and non-WEIs (except ineligible grantees, clients deferred for lack of childcare, and disqualified aliens), who fail, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized. *Id.*, p. 1. Depending on the case situation, penalties include the following: delay in eligibility at application, ineligibility (denial or termination of FIP with no minimum penalty period), and/or case closure for a minimum period depending on the number of previous non-compliance penalties. *Id.*

The last date for a client to attend PATH is 15 calendar days from the date of the PATH referral and the DHS-4785, PATH Appointment Notice, are sent. BEM 230A (October 2022) p. 5. If the client calls to reschedule before the 15th day, MDHHS is to extend the deadline. *Id.* Either MDHHS or the one-stop service center have the capability of extending this date. *Id.*

The benefit group members who failed to attend PATH were Petitioner and Spouse. MDHHS sent Petitioner and Spouse notices to attend PATH orientation on May 14, 2024 at 10:00 a.m. It was not disputed that Petitioner and Spouse failed to attend PATH on May 14, 2024. Thus, MDHHS contended, it properly denied Petitioner's application for FIP benefits.

Petitioner testified that she was unable to attend on May 13, 2024 and asked MDHHS for an updated date to attend PATH. Petitioner also testified that she told MDHHS that Spouse could not attend due to illness and that she could not attend due to a lack of daycare for her five children and/or an ongoing pregnancy. During the hearing, MDHHS acknowledged that Petitioner requested an extension to attend PATH. MDHHS contended that it was unable to extend Petitioner's last date to attend PATH; however, MDHHS policy specifically allows extensions when the request is made before the 15th day following notice. Petitioner's request occurred on the 10th day following the mailing of the PATH Appointment Notice.

Given the evidence, MDHHS improperly denied Petitioner's application for FIP benefits. As a remedy Petitioner is entitled to re-registration and reprocessing of the application.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly denied Petitioner's application for FIP benefits. It is ordered that MDHHS commence the following actions within 10 days of the date of mailing of this decision:

- (1) Reregister Petitioner's FIP application dated [REDACTED] [REDACTED] 2024;
- (2) Reprocess Petitioner's application subject to the finding that MDHHS failed to extend Petitioner's last date to attend PATH orientation; and
- (3) Issue benefit supplements and notice, if any, in accordance with policy.

The actions taken by MDHHS are **REVERSED**.

CG/nr



Christian Gardocki
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

Tara Roland 82-17
Wayne-Greenfield/Joy-DHHS
8655 Greenfield
Detroit, MI 48228

MDHHS-Wayne-17-hearings@michigan.gov

Interested Parties

BSC4

B. Sanborn

H. Norfleet

N. Denson-Sogbaka

B. Cabanaw

G. Vail

MOAHR

Via-First Class Mail :

Petitioner

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