



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: June 23, 2022
MOAHR Docket No.: 22-001831
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 telephone hearing was held on June 8, 2022, from Detroit, Michigan. Petitioner appeared for the hearing and represented himself. The Department of Health and Human Services (Department) was represented by Khaled Abouelazm, Case Manager.

ISSUE

Did the Department properly deny 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 or around [REDACTED] [REDACTED] [REDACTED] Petitioner submitted an application requesting FIP benefits.
2. As a condition of FIP eligibility, Petitioner was required to participate in the Partnership. Accountability. Training. Hope. (PATH) program through the Michigan Works! Agency by first attending an orientation meeting.
3. On February 18, 2022, the Department sent Petitioner a PATH Appointment Notice, instructing him to attend an appointment on February 28, 2022, at 9:00 AM at the Michigan Works! Office. The PATH Appointment Notice informed Petitioner that he must participate in the ten-day application eligibility period and that FIP applicants who do not attend PATH prior to case opening will be denied. The

PATH Appointment Notice further informed Petitioner that if he could not keep the scheduled appointment, he was to call the Department **before** missing the appointment in order to reschedule and that a failure to call or appear within 15 days would result in the denial of his FIP application. (Exhibit A, pp.15-16)

4. On February 25, 2022, a representative from Michigan Works! Spoke with Petitioner regarding his scheduled PATH orientation on February 28, 2022, and reminded him of the orientation process, as well as provided him with the meeting information. (Exhibit A, p. 17-18)
5. Petitioner did not attend his scheduled PATH appointment on February 28, 2022, and there was no evidence that Petitioner contacted the Department prior to February 28, 2022.
6. On or around March 3, 2022, Petitioner's caseworker with the Department spoke with Petitioner and informed him that his participation with PATH was required and provided Petitioner with the telephone number of the Michigan Works! Representative in order to reschedule his orientation prior to March 6, 2022. (Exhibit A, p. 17-18)
7. On or around March 3, 2022, Petitioner contacted the Michigan Works! Representative and reported that he mixed up his days and missed the February 28, 2022, orientation and was informed by his case worker at the Department to call and have the orientation rescheduled. (Exhibit A, pp. 17-18)
8. On March 4, 2022, the Michigan Works! Representative contacted Petitioner to advise him that his PATH orientation was rescheduled for March 7, 2022, at 9:00 AM and provided Petitioner with the information needed to participate in the meeting. Petitioner was also provided with the required orientation documents. (Exhibit A, pp. 17-18)
9. Petitioner failed to participate in or attend his rescheduled PATH orientation on March 7, 2022, and there was no evidence that Petitioner contacted the Department prior to the appointment date. (Exhibit A, pp. 17-18)
10. On or around March 14, 2022, the Department denied Petitioner's FIP application.
11. On or around ■■■■■ Petitioner requested a hearing disputing the Department's actions. (Exhibit A, pp. 3-4)

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 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.

As a condition of FIP eligibility, all Work Eligible Individuals (“WEI”) must engage in employment and/or self-sufficiency related activities, such as participating in the PATH program. BEM 230A (January 2022); BEM 233A (January 2022), pp. 1-2. PATH participants must complete the 21-day PATH application eligibility period (AEP) part of orientation which is an eligibility requirement for approval of the FIP application. BEM 229 (January 2021), pp. 1- 7. This requires that the client (i) begin the AEP by the last date to attend as indicated on the PATH Appointment Notice, (ii) complete the PATH AEP requirements, and (iii) continue to participate in PATH after completion of the 21-day AEP. BEM 229, p.1. The last day to attend AEP/orientation may be extended when necessary. BEM 229, pp.6-7. Failure by a client to complete the three components of the AEP referenced above or to participate fully in assigned activities while the FIP application is pending will result in denial of FIP benefits. BEM 229, pp. 1- 7.

In this case, the Department representative testified that Petitioner’s FIP application was denied due to a failure to participate in PATH orientation and begin the AEP as required. The Department representative testified that after receiving the PATH Appointment Notice, Petitioner failed to attend the first scheduled orientation meeting on February 28, 2022. There was no evidence that Petitioner notified the Department that he would be unable to attend the February 28, 2022, appointment. However, Petitioner contacted the Department on or around March 3, 2022, and Petitioner was given a second opportunity to attend PATH orientation on March 7, 2022. The case notes presented for review from the Michigan Works! Agency show that Petitioner was provided with the rescheduled orientation information and reminded of the March 7, 2022, meeting date on more than one occasion. The Department representative testified that because Petitioner failed to attend the rescheduled orientation on March 7, 2022, the February 15, 2022, FIP application was denied by the Department on March 14, 2022. The Department representative testified that it received no contact from Petitioner until March 17, 2022; however, the application had already been denied.

At the hearing, Petitioner initially testified that he was not sure whether he participated in orientation on February 28, 2022. However, after reviewing the case notes from the Department and the Michigan Works! Agency, Petitioner did not dispute that he failed to attend his initial orientation meeting on February 28, 2022, or that he requested a new appointment date. Petitioner also initially testified that he was not sure whether he was aware the orientation was rescheduled to March 7, 2022, but later testified that he participated in orientation on March 7, 2022, and that he received assignments and documents from orientation but presented none for review during the hearing. Petitioner also testified that he completed the 21-day AEP and was enrolled in the PATH program but later removed by the caseworker for no reason; however, there was no record of

when this occurred or whether it was in connection with a previous application. Petitioner's testimony throughout the hearing with respect to his attendance and participation with PATH orientation was conflicting and inconsistent. There was insufficient evidence to show that Petitioner participated in PATH orientation as required.

Petitioner raised additional concerns regarding his Department caseworker and requested that his caseworker be changed. Petitioner was informed that the undersigned Administrative Law Judge did not have the authority to address specific issues with the Department caseworker.

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 Department policy when it denied Petitioner's February 15, 2022, FIP application.

It is noted that Petitioner's hearing request also references a dispute with respect to the amount of Petitioner's Food Assistance Program (FAP) benefits. At the hearing, Petitioner confirmed that he no longer had any dispute regarding his FAP case, as the issue has been resolved. Petitioner's hearing request with respect to FAP was withdrawn and will be dismissed.

DECISION AND ORDER

Accordingly, Petitioner's hearing request with respect to the FAP is **DISMISSED** and the Department's FIP decision is **AFFIRMED**.

ZB/ml



Zainab A. Baydoun
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

Chelsea McCune
Macomb County DHHS Warren Dist.
27690 Van Dyke
Warren, MI 48093

MDHHS-Macomb-20-Hearings

Interested Parties

BSC4
G. Vail
B. Cabanaw
D. Sweeney
MOAHR

Via-First Class Mail :

Petitioner

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