



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: September 29, 2022
MOAHR Docket No.: 22-003803
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 September 26, 2022. The Petitioner appeared and represented herself. The Department of Health and Human Services (MDHHS) was represented by Stephanie Wallingford, Family Independence Specialist.

ISSUE

Did MDHHS properly close Petitioner's Family Independence Program (FIP) case due to non-compliance with Partnership. Accountability. Training. Hope (PATH) 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 an ongoing recipient of FIP. As a FIP recipient, Petitioner was required to attend a PATH appointment at Michigan Works Agency (MWA) on June 14, 2022. Petitioner did not attend this appointment.
2. On July 13, 2022, MDHHS issued a Notice of Case Action to Petitioner advising her that, effective August 1, 2022, her FIP case would be closed because she failed to participate in employment and/or self-sufficiency-related activities without good cause (Exhibit A, pp. 10-14).
3. On July 13, 2022, MDHHS issued a Notice of Noncompliance to Petitioner, instructing her to attend a Triage meeting on July 20, 2022 to discuss whether she

had good cause for the alleged noncompliance and failure to contact Michigan Works Agency as required (Exhibit A, pp. 15-17).

4. On August 30, 2022, Petitioner submitted a hearing request regarding the closure of her FIP case due to noncompliance with FIP (Exhibit A, pp. 4-5).

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 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.

FIP is temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency related activities so they can become self-supporting. Federal and state laws require each work eligible individual (WEI) in the FIP group to participate in Partnership. Accountability. Training. Hope. (PATH) or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. A WEI who refuses, without good cause, to participate in assigned employment and/or other self-sufficiency related activities is subject to penalties. BEM 230A (January 2022), p. 1. MDHHS must disregard from participation one parent of a child under the age of two months up to two months when the newborn is in the home and disregard a mother for post-partum recovery up to two months. BEM 230A, p. 8. Petitioner's child was born on May 2, 2022. Therefore, Petitioner should have been deferred from PATH until July 2, 2022. In reviewing the case comments, the July 20, 2022 triage meeting notes state that Bridges did not use the correct post-partum deferral date and Petitioner was referred to PATH to attend on July 5, 2022 (see Exhibit A, p. 19). However, MDHHS only provided evidence that Petitioner failed to attend Michigan Works or PATH in June 2022. Petitioner was not required to participate in work-related activities prior to the two-month post-partum deferral. MDHHS has failed to provide evidence that Petitioner was noncompliant with PATH when required to attend by policy and has failed to explain why a Notice of Noncompliance was issued or a triage meeting conducted. Therefore, MDHHS has failed to satisfy its burden that they acted in accordance with policy in determining that Petitioner was noncompliant with PATH and subsequently closing her FIP case.

On July 22, 2022, Petitioner submitted to MDHHS a completed Medical Needs – PATH form, in which her doctor signed that she is currently unable to work (see Exhibit B, pp.

1-2). MDHHS testified that this was sufficient verification of good cause for nonparticipation with PATH.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's FIP case for noncompliance with PATH.

DECISION AND ORDER

Accordingly, MDHHS' decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Petitioner's FIP case as of August 1, 2022;
2. Issue supplements for any benefits that Petitioner was eligible to receive but was not issued as of August 1, 2022;
3. Notify Petitioner of its decision in writing.

DN/mp



Danielle Nuccio
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
MDHHS-Macomb-20-Hearings
B. Sanborn
MOAHR
BSC4

Via-First Class Mail :

Petitioner

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[REDACTED]
[REDACTED] MI [REDACTED]