



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: November 7, 2022
MOAHR Docket No.: 22-004492
Agency No.: ██████████
Petitioner: ██████████

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 October 31, 2022. The Petitioner appeared and represented herself. The Department of Health and Human Services (MDHHS) did not participate in the hearing but after the hearing had completed, the undersigned received information that MDHHS was unable to access the hearing due to teleconferences issues.

ISSUE

Did MDHHS properly deny Petitioner's application for the Family Independence Program (FIP)?

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 ██████████ 2022, Petitioner submitted an application for cash assistance (FIP).
2. On June 1, 2022, MDHHS issued a Partnership. Accountability. Training. Hope. (PATH) Appointment Notice to Petitioner, informing her that all applicants of FIP benefits must attend PATH within 15 days of this notice and continue to participate in PATH as long as she receives FIP (Exhibit A, p. 6).
3. On June 1, 2022, MDHHS issued a Medical Needs – PATH deferral form for Petitioner to have her medical provider complete (Exhibit A, pp. 3-4).
4. On June 13, 2022, Petitioner informed MDHHS that her doctor is out of the office and unable to complete her Medical Needs – PATH form timely (Exhibit A, p. 7).

5. On June 13, 2022, Petitioner completed the PATH orientation (Exhibit A, pp. 12-14).
6. On June 13, 2022, Petitioner completed the Family Automated Screening Tool (FAST).
7. On July 11, 2022, MDHHS received a completed Medical Needs – PATH form from Petitioner (Exhibit A, pp. 9-10).
8. On July 15, 2022, MDHHS issued a Notice of Case Action to Petitioner, informing her that her FIP application was denied for failure to attend the PATH program and failure to complete the required FAST within 30 days of the notice (Exhibit A, pp. 23-24).
9. On October 3, 2022, MDHHS received Petitioner’s timely submitted hearing request regarding the denial of her FIP application (Exhibit A, pp. 25-26).

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.

In this case, Petitioner disputes the denial of her FIP application for failure to attend the PATH program and failure to complete the required Family Automated Screening Tool (FAST) within 30 days of the notice.

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, unless deferred. BEM 233A (January 2022), p. 1-2. All FIP WEIs and non-WEIs must complete a FAST. BEM 228 (January 2022), p. 3.

In this case, Petitioner applied for FIP on [REDACTED] 2022. Petitioner timely completed the PATH orientation and the FAST on June 13, 2022. Petitioner informed MDHHS that her doctor was out of the office and would be unable to complete the Medical Needs – PATH deferral form timely. While MDHHS did not testify at the hearing, they did submit an e-mail from the caseworker admitting that Petitioner’s application was denied due to departmental error because Petitioner had completed the FAST, the PATH orientation, and submitted the Medical Needs – PATH deferral and no other action needed to be

taken by Petitioner in order to approve her FIP application. Therefore, MDHHS has failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's FIP application.


DECISION AND ORDER

Accordingly, the Department's 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. Reregister the [REDACTED] 2022 application;
2. Reprocess the application for [REDACTED], 2022 ongoing;
3. If Petitioner is eligible for benefits, issue supplements to Petitioner for any FIP benefits she was eligible to receive but did not from June 1, 2022 ongoing;
4. 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-Washtenaw-Hearings
B. Sanborn
MOAHR
BSC4

Via-First Class Mail :

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