



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

**AMBIRR MOMON
19202 ARDMORE ST
DETROIT, MI 48235**

Date Mailed: March 31, 2023
MOAHR Docket No.: 23-000963
Agency No.: 111590195
Petitioner: Ambirr Momon

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 on March 23, 2023 via teleconference. Petitioner appeared and represented herself. Nataki Biddles, Eligibility Specialist, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

ISSUE

Did MDHHS properly deny Petitioner's application for Family Independence Program (FIP/cash assistance) 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 October 7, 2022, Petitioner applied for FIP benefits on behalf of herself and three children (Exhibit A, pp. 12-14).
2. On November 18, 2022, MDHHS sent Petitioner a Notice of Case Action indicating that her FIP benefits/cash assistance application was denied, effective November 1, 2022 ongoing (Exhibit A, p. 6). The reason for the denial was that Petitioner failed to attend the Partnership.Accountability.Training.Hope (PATH) program, and that a household member failed to complete the required Family Automated Screening Tool (FAST) (Exhibit A, p. 7).
3. On February 15, 2023, Petitioner requested a hearing to dispute MDHHS' denial of her FIP benefits (Exhibit A, p. 3).

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. MDHHS 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 requested a hearing to dispute the denial of her FIP application. MDHHS testified that the denial was due to Petitioner's failure to participate in the PATH program.

FIP is a cash assistance program designed to help individuals and families become self-sufficient. BEM 209 (January 2022), p. 1. Individuals are eligible for FIP if they satisfy all financial and non-financial eligibility requirements. *Id.* 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. BEM 230A (October 2022), p. 1. WEI clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. *Id.* WEIs not referred to PATH will participate in other activities to overcome barriers so that they may eventually be referred to PATH or other employment service provider. MDHHS must monitor these activities and record the client's participation in the Family Self-Sufficiency Plan (FSSP). A WEI who refuses, without good cause, to participate in assigned employment and/or other self-sufficiency related activities is subject to penalties. BEM 233A (October 2022), p. 1. Depending on the situation, penalties include a delay in the application; ineligibility; and case closure for a minimum of three months of the first episode of noncompliance, six months for the second episode, and a lifetime closure for the third episode. *Id.* A client's action or inaction, including failure to attend or participate in the PATH program, can lead to a penalty for noncompliance. *Id.*, p. 2.

Here, MDHHS alleged that Petitioner was ineligible for FIP and denied her application because she failed to participate in the PATH program. Petitioner fervently disputed this allegation and testified that she was attempting to comply with the PATH program but MDHHS gave her incorrect information regarding the process. Petitioner testified that she attended multiple virtual PATH orientations and completed all the tasks that were asked of her. When she learned that there was a problem with her case, she contacted MDHHS. MDHHS stated that it did not have a record of her completing the PATH orientation and advised her to go to a PATH center in-person to complete the

orientation. Petitioner went to a PATH center in-person but the center was not offering in-person orientations at that time. Petitioner's testimony regarding her efforts to comply with the work-related requirements for FIP was credible and un rebutted. MDHHS did not present sufficient evidence to show that Petitioner was refusing to cooperate with PATH program requirements. Accordingly, the record shows that Petitioner was attempting to comply with the requirement to participate in PATH and that she was unable to complete the process through no fault of her own.

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 MDHHS failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's application for FIP benefits.

DECISION AND ORDER

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

MDHHS 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. Re-register Petitioner's October 7, 2022 FIP application;
2. Redetermine Petitioner's eligibility for FIP, from October 7, 2022 ongoing;
3. If Petitioner is eligible for FIP, issue supplements for any FIP benefits that Petitioner was eligible to receive but did not, from the date of eligibility ongoing; and
4. Notify Petitioner if its decision in writing.

LJ/tm



Linda Jordan
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
Denise McCoggle
Wayne-Greydale-DHHS
27260 Plymouth Rd
Redford, MI 48239
**MDHHS-Wayne-15-Greydale-
Hearings@michigan.gov**

Interested Parties
D. Sweeney
G. Vail
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Via-First Class Mail :

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