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GOVERNOR

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

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Date Mailed: July 27, 2023
MOAHR Docket No.: 23-003491
Agency No.: 102554797
Petitioner: Angela Johnson

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 July 19, 2023 via teleconference. Petitioner appeared and represented herself. Corlette Brown, Hearings Facilitator, Gwendolyn Wilson, Family Independence Specialist, Mashana Chuney, Eligibility Specialist, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

ISSUES

Did MDHHS properly disqualify Petitioner from the Family Independence Program (FIP) and the Food Assistance Program (FAP) for failing to comply with employment and/or self-sufficiency activities?

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 and FAP.
2. On June 5, 2023, MDHHS sent Petitioner a Notice of Noncompliance that indicated that she failed to participate in employment and/or self-sufficiency activities (Exhibit A, p. 6). The notice also stated that there was a meeting scheduled on June 14, 2023 to allow Petitioner an opportunity to explain her failure to participate (Exhibit A, p. 6).
3. On June 5, 2023, MDHHS sent Petitioner a Notice of Case Action indicating that her FIP benefits would be closed, effective July 1, 2023 ongoing for failure to

participate in employment and/or self-sufficiency activities (Exhibit A, p. 10). The notice also informed Petitioner that her FAP benefit rate decreased, effective July 1, 2023, because she failed to participate in a FAP employment-related activity, and was therefore, excluded from the FAP group (Exhibit A, pp. 9-11).

4. On June 14, 2023, Petitioner filed a Request for Hearing to dispute the closure of her Family Independence Program (FIP)/cash assistance case and reduction of her FAP benefits (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. 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.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. MDHHS administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In this case, MDHHS determined that Petitioner was disqualified from FIP due to her failure to participate in employment and/or self-employment activities. Due to the disqualification, MDHHS also removed Petitioner from her FAP group, which caused her FAP benefits to decrease.

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 for 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. A FIP-related disqualification can also extend to the participant's eligibility for FAP. See BEM 233B (January 2019), p. 1.

Clients have an opportunity to demonstrate at a Triage Meeting that they had good cause for noncompliance. BEM 233A, p. 4. Good cause reasons included a debilitating illness or injury and other unplanned events or factors. *Id.*, pp. 5-6.

MDHHS testified that a triage meeting was held on June 9, 2023. According to MDHHS, Petitioner appeared but did not have good cause for failing to comply with PATH. Although MDHHS acknowledged that Petitioner reported a death in the family and two surgeries, MDHHS testified that Petitioner did not inform them of these events prior to the triage meeting, and therefore, it could not grant good cause. Petitioner fervently disagreed with MDHHS' determination, and credibly testified that she informed her PATH caseworker regarding her medical condition and the death in the family. MDHHS further asserted that it could not grant good cause because it did not receive any verification of Petitioner's medical condition or the death in the family. Petitioner testified that MDHHS did not request the documentation, and no evidence was submitted to the contrary.

Based on Petitioner's sworn statements regarding her familial situation and medical condition, she has established good cause for failing to participate in PATH. Additionally, there is evidence in the record that MDHHS failed to properly assess Petitioner's barriers related to her medical condition. 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 did not act in accordance with Department policy when it closed Petitioner's FIP case and reduced her FAP benefits.

DECISION AND ORDER

Accordingly, the Department's 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. Remove the employment-related noncooperation sanction/disqualification applied to Petitioner's FAP and FIP cases on or about June 5, 2023;

2. Reinstate Petitioner's FIP case, effective July 1, 2023 ongoing, and redetermine Petitioner's eligibility for FIP, requesting additional information regarding Petitioner's medical conditions, if necessary;
3. Issue Petitioner supplemental payments for any FIP benefits that she was entitled to receive but did not, from July 1, 2023 ongoing;
4. Add Petitioner to her FAP group and redetermine the group's eligibility for benefits for a household of three, beginning July 1, 2023 ongoing;
5. Issue supplemental payments for any FAP benefits that Petitioner was entitled to receive but did not, from July 1, 2023 ongoing; and
6. Notify Petitioner of its decision(s) 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

Corlette Brown
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17455 Grand River
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**MDHHS-Wayne-31-Grandmont-
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Interested Parties

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Via-First Class Mail :

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