



GRETCHEN WHITMER  
GOVERNOR

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

MARLON BROWN DPA  
DIRECTOR

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

Date Mailed: May 16, 2024  
MOAHR Docket No.: 24-002038  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Aaron McClintic**

### **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 April 16, 2024, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Dannial Rogers. Department Exhibit 1, pp. 1-1189 was received and admitted.

### **ISSUE**

Did the Department properly determine that Petitioner did not have good cause for failing to participate with PATH?

### **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 August 28, 2023, Petitioner provided medical documentation stating that she is unable to work.
2. On August 28, 2023, Petitioner was approved for FIP with a deferral from PATH.
3. On February 6, 2024, the Medical Review Team found that Petitioner was not disabled and work ready with limitations. (Ex. 1, pp. 5-6)
4. On February 16, 2024, Petitioner was referred back to PATH.
5. Petitioner was considered for good cause, but good cause was not found.

6. On February 22, 2024, Petitioner requested a hearing disputing “My MRT disability determination”. (Ex. 1, p.3)
7. Petitioner’s treating physician Dr. Adelita Saenz submitted a letter dated July 6, 2023, that reads as follows: “This letter is written on behalf of [REDACTED]. [REDACTED] is a patient at our office. She has been dealing with severe and worsening neuropathic pain from lumbar stenosis, post laminectomy syndrome, and cervical spine foraminal stenosis. She is currently seen by neurology and has upcoming appointments with neurosurgery. It is for these reasons that she is currently not employed. It is not yet determined when she may be able to work. She does need surgery and we are waiting to hear back from the specialists.” (Ex. 1, p.38)

### **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.

### **GOOD CAUSE FOR NONCOMPLIANCE**

Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the noncompliant person. A claim of good cause must be verified and documented for member adds and recipients. Document the good cause determination in Bridges on the noncooperation screen as well as in case comments. If it is determined during triage the client has good cause, and good cause issues have been resolved, send the client back to PATH. There is no need for a new PATH referral, unless the good cause was determined after the negative action period.

Good cause includes the following:

#### **Client Unfit**

The client is physically or mentally unfit for the job or activity, as shown by medical evidence or other reliable information. This includes any disability-related limitations that preclude participation in a work and/or self-sufficiency-related activity. The disability related needs or limitations may not have been identified or assessed prior to the noncompliance.

### **Illness or Injury**

The client has a debilitating illness or injury, or a spouse or child's illness or injury requires in-home care by the client. BEM 233A

When a client who is determined by Disability Determination Service (DDS) to be work ready with limitations becomes noncompliant with PATH, schedule a planning triage, which includes all of the following:

- Review the medical packet including the limitations identified by DDS on the DHS-49-A, Medical-Social Eligibility Certification.
- If necessary, revise the FSSP using the limitations identified on the DHS-49-A. Assign medically permissible activities.
- Enter good cause reason Client unfit in Bridges on the Noncooperation details screen, if the noncooperation was related to the identified limitation or is an additional identified limitation. If an individual becomes noncompliant with his/her FSSP assigned activities, follow the instructions in this item, under Noncompliance Penalties For Active FIP Individuals and Member Add. BEM 233A

In this case, the Medical Review Team reviewed Petitioner's medical records and determined that she is not disabled and is work ready with limitations. Petitioner testified at hearing that due to her physical and mental health problems and her limitations she is unable to participate with PATH. The undersigned administrative law judge has no authority or jurisdiction to overrule the medical review team's determination which is what Petitioner disputed in her request for hearing. The undersigned administrative law judge can review the Department determination that Petitioner did not have good cause from participating from PATH. Petitioner submitted her medical records in consideration for good cause. Petitioner was considered for good cause due to being unfit and due to injury or illness. The Department determined that Petitioner did not have good cause for failing to participate with PATH. The undersigned Administrative Law Judge reviewed Petitioner's medical records including the letter from her treating physician Dr. Saenz. There is insufficient evidence in the medical records to support a determination that Petitioner is unfit or that she has an illness or injury that rises to the level of good cause. Therefore, the Department's finding of no good cause was proper and correct and consistent with Department policy. BEM 233A

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 determined that Petitioner did not have good cause for failing to participate with PATH.

**DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.

AM/cc

  
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**Aaron McClintic**  
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 :**

**Interested Parties**

MDHHS-Newaygo-Hearings  
BSC3-HearingDecisions  
D. Sweeney  
G. Vail  
MOAHR

**Via-First Class Mail :**

**Petitioner**

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