



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: April 12, 2024
MOAHR Docket No.: 24-002462
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On March 5, 2024, Petitioner, [REDACTED], requested a hearing to dispute a Family Independence Program (FIP) cash assistance application denial. Following Petitioner's hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 45 CFR 205.10, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on April 11, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Pamela Wells, Family Independence Manager. Allison Hanson, Family Independence Specialist; and Christi Weakley, Employment and Training Coordinator, appeared as witnesses for the Department.

A 43-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly deny Petitioner's application for FIP cash assistance?

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 July 20, 2011, the Department found Petitioner was in non-compliance with the requirements for FIP, and the Department closed Petitioner's FIP case for 3 months.
2. On August 11, 2012, the Department found Petitioner was in non-compliance with the requirements for FIP for a second time, and the Department closed Petitioner's FIP case for 6 months.
3. On July 12, 2023, the Department mailed a Partnership Accountability Training Hope (PATH) Appointment Notice to Petitioner. The notice informed Petitioner

that she was required to attend a PATH appointment on July 25, 2023, at 9:30 a.m. The notice also informed Petitioner that she had 15 days from the date of the notice to attend PATH, and it informed her that her FIP case would close if she did not attend PATH or call to reschedule her appointment within 15 days from the date of the notice.

4. Petitioner's caseworker also exchanged messages with Petitioner to notify her of the July 12, 2023, PATH Appointment Notice.
5. Petitioner did not attend her PATH appointment on July 25, 2023.
6. On July 29, 2023, the Department issued a Notice of Non-Compliance that informed Petitioner that she was scheduled for a triage appointment on August 8, 2023, at 2:00 p.m. to address the reason for Petitioner's non-compliance. The notice advised Petitioner that this is the third time that she has been non-compliant and her FIP case would close, and Petitioner would receive a lifetime sanction as a result of the 3rd non-compliance.
7. Petitioner requested another triage appointment date/time. Therefore, Petitioner's triage appointment was rescheduled on August 15, 2023, at 3:05 p.m.
8. Petitioner attended the triage appointment.
9. The Department determined that Petitioner did not have good cause for her non-compliance and imposed a lifetime FIP sanction effective September 1, 2023.
10. On February 8, 2024, Petitioner applied for FIP cash assistance from the Department.
11. On February 28, 2024, a Notice of Case Action was mailed to Petitioner denying Petitioner's request for FIP cash assistance. The Notice advised Petitioner that for at least the 3rd time, Petitioner failed to participate in employment and/or self-sufficiency-related activities, therefore, Petitioner is no longer eligible for FIP benefits.
12. On March 5, 2024, Petitioner requested a hearing to dispute her FIP cash assistance application denial.

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 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.

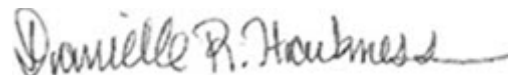
A FIP recipient is required to develop a plan and participate in activities that will strengthen the family and/or help them reach self-sufficiency. BEM 228 (January 1, 2020), p. 1. To accomplish this objective, each FIP recipient is required to participate in PATH and meet guidelines for work participation, unless verified as deferred. *Id.* at 2. An individual who fails without good cause to participate must be penalized. BEM 233A (January 1, 2020), p. 1. 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 individual. *Id.* at 4. The penalty for non-compliance without good cause is FIP closure. *Id.* at 8. For the individual's third occurrence of noncompliance, Bridges closes the FIP case for a lifetime sanction. *Id.*

In this case, the Department denied Petitioner's February 8, 2024, application for FIP cash assistance benefits because Petitioner has a lifetime FIP sanction that began on September 1, 2023. Petitioner asserted that it was unfair to impose a lifetime sanction on her. However, Petitioner failed to present evidence to establish that the Department improperly denied Petitioner's application for FIP cash assistance benefits due to Petitioner's lifetime FIP sanction.

DECISION AND ORDER

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 its policies and the applicable law when it denied Petitioner's February 8, 2024, application for FIP cash assistance benefits due to a lifetime FIP sanction.

IT IS ORDERED the Department's decision is **AFFIRMED**.



DH/pt

Danielle R. Harkness
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

Eric Carlson
Mason County DHHS
915 Diana St.
Ludington, MI 49431

MDHHS-Mason-Hearings@michigan.gov

Interested Parties

BSC3
B. Sanborn
MOAHR

Via-First Class Mail:

Petitioner

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