



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]  
[REDACTED], MI [REDACTED]

Date Mailed: August 14, 2024  
MOAHR Docket No.: 24-005788  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner**

### **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 by telephone on July 18, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) did not appear. The Michigan Office of Administrative Rules and Hearings (MOAHR) received a request to adjourn the hearing from the Department after the hearing. However, because the hearing had already been held and concluded, the request to adjourn is denied.

Upon request of Petitioner, the Department's hearing packet was entered into evidence as Exhibit 1.

### **ISSUE**

Did the Department properly deny Petitioner's [REDACTED] [REDACTED] 2024 Family Independence Program (FIP) assistance application for failure to complete the Partnership. Accountability. Training. Hope. (PATH) orientation process?

### **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 [REDACTED] [REDACTED] 2024, the Department received an application for FIP from Petitioner. (Exhibit 1, pp. 17 – 23).
2. On April 29, 2024, Petitioner provided verification of her son's school enrollment to the Department.

3. On May 7, 2024, Petitioner attended PATH orientation. (Exhibit 1, p. 16).
4. On May 15, 2024, Petitioner called the Department at 11:37 a.m. and received a call back at 12:13 p.m. During that phone call, Petitioner was advised that the Department had no record of Petitioner's verification of her son's school enrollment and her FIP application had been denied. Petitioner resubmitted verification of her son's school enrollment at 12:19 p.m. by email.
5. On May 17, 2024, the Department received a request for hearing from Petitioner, disputing the denial of FIP assistance and reporting that she provided all documents by the deadline. (Exhibit 1, pp. 3 – 5).
6. On May 20, 2024, the Department sent Petitioner a Notice of Case Action (NOCA) denying Petitioner FIP, effective May 16, 2024, due to Petitioner's failure to complete the entire PATH orientation process. (Exhibit 1, pp. 7 – 10).

### **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.

Petitioner requested a hearing to dispute the Department's denial of her [REDACTED] 2024 FIP application and asserted that she provided all required documents. The Department denied Petitioner's FIP application for failure to complete the entire PATH orientation process.

The FIP program is a cash assistance program designed to help individuals and families become self-sufficient. BEM 209 (January 2022), p. 1. When an individual applies for cash assistance, the Department determines an eligibility determination group (EDG) and assistance is available to EDGs who meet all of the non-financial and financial requirements that are needed to determine eligibility and calculate benefit amounts. BEM 209, p. 1.

One of the non-financial requirements for eligibility for FIP is completion of the PATH application eligibility period (AEP). BEM 229 (January 2021), p. 1. To complete the AEP, individuals must a) begin the AEP by the last date to attend as indicated on their PATH Appointment Notice, b) complete the PATH AEP requirements, and c) continue to participate in PATH after completion of the 10-day AEP. BEM 229, p. 1. If all three

steps are not completed, the Department must deny the FIP application. BEM 229, p. 1. Additionally, PATH engagement is a condition of FIP eligibility. BEM 229, p. 6. Therefore, when assigned, clients must engage in and comply with all PATH assignments while the FIP application is pending and failure to participate fully in assigned activities during the application process will result in denial of FIP benefits. BEM 229, p. 6.

Here, the evidence established that Petitioner attended PATH orientation on May 7, 2024 and that the last day she could have attended was May 12, 2024. (Exhibit 1, p. 16). Petitioner testified that she completed the AEP on May 16, 2024 and that the process included Petitioner's participation or completion of a number of job related activities and assignments. Petitioner also credibly testified that on May 15, 2024, Petitioner placed a call to the Department at 11:37 a.m., received a call back at 12:13 p.m., and that during that phone call, Petitioner was advised that the Department had no record of Petitioner's verification of her son's school enrollment and that her FIP application had been denied. Petitioner advised the Department she had previously submitted the verification on April 29, 2024; she then resubmitted verification of her son's school enrollment on May 15, 2024 at 12:19 p.m. by email. Petitioner testified that subsequent to her May 15, 2024 telephone call, the Department informed her that her FIP was denied because she missed an appointment with the Department scheduled for May 15, 2024 at 12:30 p.m.; however, Petitioner questioned the accuracy of that information as she was informed during her 12:13 p.m. phone call on that date that her FIP application was already denied. There was no documentation of a scheduled May 15, 2024 appointment included in Exhibit 1.

Because the Department did not participate in the hearing, it could not establish that Petitioner failed to complete the entire PATH orientation process. Therefore, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's FIP application for failure to complete the entire PATH orientation process.

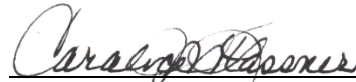
**DECISION AND ORDER**

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. Redetermine Petitioner's FIP eligibility under the [REDACTED] [REDACTED] 2024 application considering Petitioner's completion of the PATH orientation process;
2. If otherwise eligible, issue FIP supplements to Petitioner for benefits not previously received; and,
3. Notify Petitioner in writing of its decision.

CML/nr



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**Caralyce M. Lassner**  
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 Key-McCoggle  
Wayne-Greydale-DHHS  
27260 Plymouth Rd  
Redford, MI 48239

**MDHHS-Wayne-15-Greydale-Hearings@michigan.gov**

**Interested Parties**

BSC4

B. Sanborn

H. Norfleet

N. Denson-Sogbaka

B. Cabanaw

G. Vail

MOAHR

**Via-First Class Mail :**

**Petitioner**

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