



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]
[REDACTED], MI [REDACTED]

Date Mailed: November 8, 2024
MOAHR Docket No.: 24-010853
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On September 18, 2024, Petitioner, [REDACTED], requested a hearing to dispute a Family Independence Program (FIP) denial and a Food Assistance Program (FAP) disqualification. 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 Zoom videoconference hearing was held on November 7, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Hannah Czechowski, Hearings Coordinator.

A 22-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

A 76-page packet of documents provided by Petitioner was admitted collectively as Petitioner's Exhibit 1.

ISSUES

Did the Department properly disqualify Petitioner from receiving FAP benefits beginning October 1, 2024, when it determined that Petitioner failed to complete employment/self-sufficiency related activities without good cause?

Did the Department properly close Petitioner's FIP benefits beginning October 1, 2024, when it determined that Petitioner failed to complete employment/self-sufficiency related activities without good cause?

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 receiving FAP and FIP benefits from the Department.
2. Petitioner was required to submit weekly job search logs.

3. Petitioner failed to submit all required job search logs for [REDACTED], [REDACTED] and [REDACTED] 2024.
4. On August 23, 2024, a re-engagement appointment notice was sent to Petitioner via email and mail.
5. Petitioner was unable to attend the re-engagement appointment. Therefore, it was rescheduled for September 3, 2024.
6. Petitioner argued that Petitioner had good cause for not attending the September 3, 2024, re-engagement appointment due to Petitioner's daughter being ill.
7. Because Petitioner failed to attend the September 3, 2024, re-engagement appointment, a notice of non-compliance was mailed to Petitioner on September 4, 2024, finding Petitioner was in non-compliance with the requirements for FIP and FAP and the Department closed Petitioner's FIP case for 3 months and found Petitioner disqualified for FAP benefits for 1 month. A triage meeting was also scheduled for [REDACTED] 2024, at 9:00 a.m.
8. During the [REDACTED], 2024, triage meeting, the Department found that Petitioner had no good cause for failing to complete employment/self-sufficiency related activities.
9. Petitioner indicated that Petitioner attempted to contact Petitioner's PATH worker twice between [REDACTED], 2024, and left a message for a return call each time as Petitioner wanted to make an appointment to submit Petitioner's job search logs.
10. Petitioner stated that Petitioner was unable to electronically submit Petitioner's job search logs due to Petitioner's unreliable phone/internet connection resulting in Petitioner having to schedule an appointment to submit Petitioner's job search logs in-person.
11. Because Petitioner was unable to reach Petitioner's PATH worker, Petitioner was unable to submit Petitioner's weekly job search logs.
12. On September 9, 2024, a notice of case action was issued decreasing Petitioner's FAP benefits to \$[REDACTED] per month based on a group size of 1.
13. On September 18, 2024, a notice of case action was issued denying Petitioner's FIP benefits from October 1, 2024, through December 31, 2024.
14. On April 23, 2024, Petitioner requested a hearing to dispute Petitioner's FAP disqualification and the closure of Petitioner's FIP benefits.

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.

The Department requires participation in employment and/or self-sufficiency-related activities associated with the FIP or Refugee Cash Assistance (RCA). Applicants or recipients of FAP only must accept and maintain employment. There are consequences for a client who refuses to participate in FIP/RCA employment and/or self-sufficiency-related activities or refuses to accept or maintain employment without good cause. BEM 233B (January 1, 2024), p. 1.

A FAP group member is disqualified for noncompliance when all of the following exist:

- The client did not comply with FIP/RCA employment requirements
- The client is subject to a penalty on the FIP/RCA program
- The client is not deferred from FAP work requirements; see DEFERRALS in BEM 230B
- The client did not have good cause for the noncompliance.

Id. at 3.

In this case, the Department closed Petitioner's FIP benefits and disqualified Petitioner as a FAP group member because Petitioner failed to complete all required job search logs for July, August, and September 2024. Petitioner testified that Petitioner attempted to contact Petitioner's PATH worker twice between [REDACTED], 2024, and left a message for a return call each time as Petitioner wanted to make an appointment to submit the required job search logs. Petitioner stated that Petitioner was unable to electronically submit job search logs due to Petitioner having an unreliable phone/internet connection

resulting in Petitioner having to schedule an appointment to submit Petitioner's job search logs in-person. Petitioner testified that Petitioner did not receive a return call from Petitioner's PATH worker until [REDACTED], 2024.

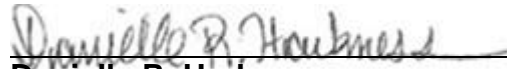
The evidence shows that Petitioner attempted to contact Petitioner's PATH worker to schedule an appointment to submit the required job search logs, but Petitioner's messages were not returned until [REDACTED], 2024. In this case, Petitioner has shown good cause for failing to complete employment/self-sufficiency related activities.

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 did not act in accordance with its policies and the applicable law when it disqualified Petitioner from receiving FAP benefits and closed Petitioner's FIP benefits beginning October 1, 2024, due to Petitioner's failure to complete the required employment/self-sufficiency related activities.

IT IS ORDERED the Department's decision is **REVERSED**. The Department shall reinstate FAP benefits beginning October 1, 2024, and reinstate FIP benefits beginning October 1, 2024. Further, the Department shall issue a supplement for any missed FAP and FIP benefits. The Department shall begin to implement this decision within 10 days of the date of mailing of this decision and order.

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
Hannah Czechowski
Genesee County DHHS Clio Rd Dist.
4809 Clio Road
Flint, MI 48504
MDHHS-Genesee-Clio-Hearings@michigan.gov

Interested Parties

BSC2
M Holden
B Cabanaw
B Sanborn
N Denson-Sogbaka
MOAHR

Via-First Class Mail:

Petitioner

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