



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 14, 2024
MOAHR Docket No.: 24-011231
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On September 30, 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 telephone hearing was held on November 13, 2024. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Jennifer Richard, Assistance Payments Supervisor.

A 28-page packet of documents provided by the Department was admitted collectively as the Department’s Exhibit A.

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 stay in communication with Petitioner’s career coach and complete employment/self-sufficiency-related activities.
3. Petitioner indicated that Petitioner was required to complete [REDACTED] hours of employment/self-sufficiency-related activities per week.

4. On August 21, 2024, a notice of non-compliance was mailed to Petitioner 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 2:00 p.m.
5. On August 21, 2024, a notice of case action was issued decreasing Petitioner's FAP benefits to \$[REDACTED] per month based on a group size of 2, and closing Petitioner's FIP benefits beginning October 1, 2024.
6. During the [REDACTED], 2024, triage meeting, Petitioner indicated that Petitioner was ill for at least a week. Therefore, Petitioner was informed that Petitioner needed documentation to excuse Petitioner's requirements for the week of [REDACTED] 2024, and [REDACTED] 2024. Petitioner was given until the end of the business day on August 28, 2024, to submit the required documentation.
7. Following the [REDACTED] 2024, triage meeting, Petitioner submitted a doctor's note on [REDACTED] 2024, indicating that Petitioner had [REDACTED] from [REDACTED] 2024, through [REDACTED] 2024.
8. The Department found that Petitioner had no good cause for failing to complete employment/self-sufficiency related activities.
9. Petitioner indicated that Petitioner had [REDACTED] on or around [REDACTED], 2024.
10. Petitioner stated that Petitioner was volunteering at [REDACTED] and advised [REDACTED] of the required hours that Petitioner needed and requested a schedule. However, no schedule was provided to him.
11. On September 30, 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 stay in communication with Petitioner's career coach and complete employment/self-sufficiency-related activities.

Petitioner testified that Petitioner had [REDACTED] on or around [REDACTED] 2024. However, this does not address the week of [REDACTED] 2024, and [REDACTED] 2024, that Petitioner was found to be in noncompliance. Petitioner also testified that Petitioner was volunteering at [REDACTED] and advised [REDACTED] of the required hours that Petitioner needed and requested a schedule. However, no schedule was provided to him. No evidence was provided to show that Petitioner complied with the requirements for the week of [REDACTED] 2024, and [REDACTED] 2024.

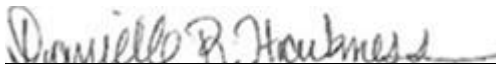
Based on the evidence presented, the Department properly closed Petitioner's FIP cash assistance benefits because Petitioner failed to establish good cause for Petitioner's failure to complete employment/self-sufficiency related activities.

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 acted in accordance with its policies and the applicable law when it disqualified Petitioner from receiving FAP benefits and closed Petitioner's FIP cash assistance benefits effective 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 **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
Kimberly Kornoelje
Kent County DHHS
121 Martin Luther King Jr St SE Ste 200
Grand Rapids, MI 49507
MDHHS-Kent-Hearings@michigan.gov

Interested Parties

BSC3
B Sanborn
M Holden
B Cabanaw
N Denson-Sogbaka
MOAHR

Via-First Class Mail:

Petitioner

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