



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
DIRECTOR

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Date Mailed: December 27, 2024
MOAHR Docket No.: 24-012399
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 December 17, 2024, from Lansing, Michigan. The Petitioner was represented by herself. Petitioner's husband [REDACTED] also appeared and testified. The Department of Health and Human Services (Department) was represented by Jennifer Richard. Jose Lopez served as Spanish language interpreter. Department Exhibit 1, pp. 1- was received and admitted.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) case and reduce her Food Assistance Program (FAP) benefit for being in noncompliance with PATH requirements?

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 October 4, 2024, Petitioner and her household were found to be in noncompliance with PATH activities for failing to appear at a scheduled follow up meeting.
2. On October 11, 2024, Petitioner was required to appear at a reengagement meeting. Petitioner did not appear.
3. On October 15, 2024, Notice of Noncompliance was sent to Petitioner notifying her of the missed dates and scheduling a triage meeting for October 23, 2024.

4. On October 15, 2024, Notice of Case Action was sent to Petitioner informing her that her FAP benefits would be reduced to \$205 per month and her FIP case would be closing effective November 1, 2024.
5. On October 23, 2024, a triage meeting was held and Petitioner was found to have no good cause for failing to participate with PATH.
6. On November 8, 2024, Petitioner requested a hearing disputing the closure of her FIP case and reduction of her FAP 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 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.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

FIP

MDHHS requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. The focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate without good cause. The goal of the FIP penalty policy is to obtain client compliance with appropriate work and/or self-sufficiency related assignments and to ensure that barriers to such compliance have been identified and removed. The goal is to bring the client into compliance. BEM 233A

NONCOMPLIANCE WITH EMPLOYMENT AND/OR SELFSUFFICIENCY RELATED ACTIVITIES

As a condition of eligibility, all WEIs and non-WEIs must work or engage in employment and/or self-sufficiency-related activities. Noncompliance of applicants, recipients, or member adds means doing any of the following without good cause: • Failing or refusing

to: Appear and participate with Partnership. Accountability. Training. Hope. (PATH) or other employment service provider. Complete a Family Automated Screening Tool (FAST), as assigned as the first step in the Family Self-Sufficiency Plan (FSSP) process. Note: The specialist should clear any alerts in Bridges relating to rejected PATH referrals as well as any FAST confirmation information the client has obtained before considering a client noncompliant. Develop a FSSP. Note: A FSSP completion appointment with the client must have been scheduled and the client failed to attend before considering a client noncompliant for FSSP completion. Comply with activities assigned on the FSSP. Provide legitimate documentation of work participation. Appear for a scheduled appointment or meeting related to assigned activities. Participate in employment and/or self-sufficiency-related activities. Participate in required activity. Accept a job referral. Complete a job application. Appear for a job interview (see the exception below). • Stating orally or in writing a definite intent not to comply with program requirements. • Threatening, physically abusing or otherwise behaving disruptively toward anyone conducting or participating in an employment and/or self-sufficiency-related activity. • Refusing employment support services if the refusal prevents participation in an employment and/or self-sufficiency-related activity. BEM 233A

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. BEM 233A

In this case, Petitioner and her husband were receiving FIP and were required to participate with PATH. On October 4, 2024, Petitioner and her household were found to be in noncompliance with PATH activities for failing to appear at a scheduled follow up meeting. On October 11, 2024, Petitioner was required to appear at a reengagement meeting. Petitioner did not appear. On October 15, 2024, Notice of Noncompliance was sent to Petitioner notifying her of the missed dates and scheduling a triage meeting for October 23, 2024. On October 15, 2024, Notice of Case Action was sent to Petitioner informing her that her FAP benefits would be reduced to \$205 per month and her FIP case would be closing effective November 1, 2024. On October 23, 2024, a triage meeting was held and Petitioner was found to have no good cause for failing to participate with PATH. At hearing, Petitioner did not present sufficient evidence to support her contention of good cause. Therefore, the closure of FIP and reduction of FAP was proper and correct and consistent with Department policy. BEM 233A

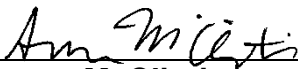
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in

accordance with Department policy when it closed Petitioner FIP case and reduced Petitioner's FAP benefit for failing to participate with PATH. BEM 233A

DECISION AND ORDER

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

AM/tlf



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 :

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
M. Holden
N. Denson-Sogbaka
B. Cabanaw
G. Vail
MOAHR

Via-First Class Mail :

Petitioner

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