



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.: 24-012755  
Agency No.: ██████████  
Petitioner: ██████████

**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. The Department of Health and Human Services (Department) was represented by Cindy Wasaya. Rupal Patel and Ryon Clemons also appeared for the Department. Department Exhibit 1, pp. 1-47 was received and admitted.

**ISSUE**

Did the Department properly close Petitioner's Family Independence Program (FIP) case for failing to participate with PATH 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. On ██████████ 2024, Petitioner applied for FIP.
2. On August 7, 2024, a Verification Checklist was sent to Petitioner.
3. On October 7, 2024, Notice of Noncompliance was sent to Petitioner informing her that she was in noncompliance and that her FIP case would close and her FAP would be reduced if she was confirmed to be in noncompliance without good cause.
4. On October 7, 2024, redetermination paperwork was sent to Petitioner.

5. On October 7, 2024, Notice of Case Action was sent to Petitioner informing her that her FIP case was closing effective November 1, 2024, and her FAP benefit was decreasing to \$1,098 effective November 1, 2024.
6. On October 14, 2024, Petitioner submitted two pages of medical records. (Ex. 1, pp. 25-26)
7. Petitioner testified that she submitted by email a completed Medical Needs form signed by her doctor on October 15, 2024.
8. On November 8, 2024, Petitioner requested a hearing disputing the closure of her FIP case and reduction of her FAP benefits.
9. On November 10, 2024, Notice of Food Closure was sent to Petitioner informing her that her FAP case would be closing effective November 30, 2024.
10. On November 25, 2024, Petitioner requested a hearing disputing the closure of her FIP case. (Ex. 1, p.7)
11. Petitioner testified at hearing that she was only disputing the closure of her FIP case.

### **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.

#### **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, on October 7, 2014, Petitioner was found to be in noncompliance and Notice of Noncompliance was sent to her. On October 14, 2024, the day of the triage meeting, Petitioner submitted two pages of medical records. (Ex. 1, pp. 25-26) The medical records submitted by Petitioner did not establish good cause for failing to participate with PATH.


Petitioner testified at the hearing that she submitted by email a completed Medical Needs form signed by her doctor on October 15, 2024, and on several other occasions. The Department or Michigan Works never received a Medical Needs form from Petitioner. Despite Petitioner being given the opportunity to provide proof that she previously submitted the completed Medical Needs form, both during the hearing and after the hearing concluded, Petitioner failed to do so.

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's FIP case for failing to participate with PATH without good cause.

**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**

Trista Waishkey  
Washtenaw County DHHS  
22 Center Street  
Ypsilanti, MI 48198  
**MDHHS-Washtenaw-  
Hearings@michigan.gov**

**Interested Parties**

BSC4  
G. Vail  
N. Denson-Sogbaka  
MOAHR

**Via-First Class Mail :**

**Petitioner**

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