



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

████████████████████
████████████████████
██████████, MI ██████████

Date Mailed: January 22, 2025
MOAHR Docket No.: 24-013178
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 via Microsoft Teams on January 13, 2025; the parties participated by telephone. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Elisyah Edwards, manager, and Steven Reimer, specialist.

ISSUE

The issue is whether MDHHS properly terminated Petitioner's Family Independence Program (FIP) eligibility due to noncompliance with employment-related activities.

FINDINGS OF FACT

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. As of April 2024, Petitioner was an ongoing recipient of FIP benefits.
2. On May 10, 2024, Petitioner attended Partnership-Accountability-Training-Hope (PATH) orientation.
3. On August 1, 2024, PATH informed Petitioner that job search ended and that she needed to begin employment and/or community service.

4. On August 23, 2024, PATH sent Petitioner a letter stating that she failed to submit proof of community service and that a reengagement meeting was scheduled for August 30, 2024.
5. On August 30, 2024, PATH changed the reengagement meeting to September 3, 2024.
6. On September 3, 2024, Petitioner failed to attend reengagement meeting.
7. On September 16, 2024, MDHHS initiated termination of Petitioner's FIP eligibility, effective October 2024. MDHHS also imposed a 3-month disqualification, due to Petitioner's alleged non-compliance with employment-related activities.
8. On September 16, 2024, MDHHS mailed Petitioner a Notice of Noncompliance stating Petitioner was non-compliant with employment-related activities. A triage to discuss good cause was scheduled for September 24, 2024.
9. On September 24, 2024, during a triage, Petitioner claimed good cause for employment-related participation based on her child's school refusing to provide verification, PATH failing to provide gas money reimbursement for the reengagement meeting, and/or PATH not allowing her to attend school to become a certified nursing assistant.
10. On an unspecified date, MDHSH determined Petitioner had no good cause for employment-related participation and allowed Petitioner's FIP benefits to end.
11. On November 6, 2024, Petitioner requested a hearing to dispute the termination of FIP benefits and the imposing of an employment-related disqualification.

CONCLUSIONS OF LAW

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 policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a termination of FIP benefits. Exhibit A, p. 3. A Notice of Case Action dated September 16, 2024, stated that Petitioner's FIP eligibility would end October 2024 due to non-compliance with employment-related activities. Exhibit A, pp. 11-17. The notice also informed Petitioner of a 3-month employment-related disqualification due to Petitioner's first employment-related activity non-compliance.

Federal and state laws require each work eligible individual (WEI) in the FIP group to participate in PATH or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (October 2022) p. 1. PATH is administered by the Talent and Economic Development (TED), State of Michigan through the Michigan one-stop service centers. *Id.* PATH serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. *Id.*

As a condition of eligibility, all WEIs and non-WEIs must work or engage in employment and/or self-sufficiency-related activities. BEM 233A (October 2022) p. 2. Failing to appear and participate with PATH without good cause is grounds for noncompliance. *Id.*

Documentation of Petitioner's PATH history stated that Petitioner attending PATH orientation on May 10, 2024.¹ Exhibit A, p. 27. It was not disputed that Petitioner participated in job search with PATH until August 2024. PATH documented that Petitioner was informed on August 1, 2024, that job search had ended and that she would need to find employment or perform community service. Exhibit A, p. 28. Over the following three weeks, Petitioner reported to PATH that she would continue looking for employment and try to volunteer with her children's school. PATH documented on August 15, 2024, that Petitioner failed to provide acceptable verification of community service. Petitioner's testimony acknowledged that her children's school was unable to verify her participation; thus, MDHHS's rejection of Petitioner's documentation appears proper. Following rejection of Petitioner's community service documentation, MDHHS scheduled Petitioner for an in-person reengagement meeting on August 30, 2024. PATH rescheduled the meeting for September 4, 2024, and Petitioner did not attend.² Petitioner's failure to perform and/or verify community service is a proper basis for employment-related non-compliance.

Noncompliant PATH participants will not be terminated from PATH without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A (October 2022) p. 9. MDHHS is to determine good cause during the triage and prior to the negative action effective date. p. 12.

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. *Id.*, p. 4. Good cause includes any of the following: employment for 40 hours/week, physically or mentally unfit, illness or injury, reasonable accommodation, no child care, no transportation, illegal activities, discrimination, unplanned event or factor, long commute or eligibility for an extended FIP period. *Id.*, pp. 4-7. Good cause must be verified and provided prior to the end of the negative action

¹ A PATH Appointment Notice dated April 24, 2024, informed Petitioner of a PATH orientation date of May 3, 2024. Exhibit A, pp. 6-7. Presumably, Petitioner attended orientation a week later given the documentation of Petitioner's participation.

² Petitioner claimed that she lacked gas money to attend the meeting. Petitioner's testimony was not corroborated but need not be because employment-related noncooperation was due to Petitioner's alleged failure to perform and/or verify community service.

period and can be based on information already on file with the DHS or PATH. *Id.*, p. 10. If the client establishes good cause within the negative action period, MDHHS is to reinstate benefits. *Id.*, p. 13.

MDHHS mailed Petitioner a Notice of Noncompliance scheduling a triage for September 24, 2024. Exhibit A, pp. 8-10. The triage was conducted as scheduled with Petitioner's participation.

Petitioner claimed good cause, in part, for a desire to attend school. Petitioner testified that she expected PATH to pay for certification for her to become a nursing assistant. Petitioner also testified that PATH did not do so because it had no available funding. Notably, Petitioner's claim of good cause is not a basis for good cause. Further, PATH has discretion over whether participants may attend school in lieu of PATH participation. Certainly, if PATH has no funds for Petitioner's preferred schooling, PATH cannot be faulted for denying the funds.

Petitioner also testified that she should not be faulted for failing to verify community service with her children's school because her children's school was uncooperative in providing verification. The evidence did not suggest that Petitioner was faulted for failing to verify community service. The evidence supported that Petitioner was aware she could not verify community service with her children's school and was expected to find other community service. The evidence did not support that Petitioner sought performance of community service other than with her children's school.

The evidence established that Petitioner was noncompliant with employment-related activities without good cause. Thus, MDHHS properly terminated Petitioner's FIP eligibility.

The penalty for noncompliance without good cause is closure of FIP benefits. Effective October 1, 2011, the following minimum penalties also apply:

- For the individual's first occurrence of noncompliance, Bridges closes FIP for not less than three calendar months.
- For the individual's second occurrence of noncompliance, Bridges closes FIP for not less than six calendar months.
- For the individual's third occurrence of noncompliance, Bridges closes FIP for a lifetime sanction. BEM 233B (October 2022) p. 8.

As part of the finding of employment-related non-compliance, MDHHS sought to impose a three-month employment-related disqualification period against Petitioner. MDHHS did not allege a previous employment-related penalty against Petitioner. Thus, the present case established Petitioner's first employment-related noncompliance and the proper disqualification period is three months.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's FIP eligibility effective October 2024. It is further found that MDHHS properly imposed a 3-month employment-related disqualification period against Petitioner. The actions taken by MDHHS are **AFFIRMED**.

CG/nr



Christian Gardocki
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

Dora Allen
Wayne-Gratiot/Seven-DHHS
4733 Conner Suite G 7 Lappin
Detroit, MI 48215

MDHHS-Wayne-76-Hearings@michigan.gov

Interested Parties

BSC4
B. Sanborn
H. Norfleet
N. Denson-Sogbaka
B. Cabanaw
G. Vail
MOAHR

Via-First Class Mail :

Petitioner

██████████
██████████
██████████, MI ██████████