



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: February 20, 2025
MOAHR Docket No.: 24-013978
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 January 21, 2025, from Lansing, Michigan. [REDACTED], Partner and Authorized Hearing Representative (AHR) represented the Petitioner. [REDACTED] Petitioner, was present. The Department of Health and Human Services (Department) was represented by Valerie McNutt, PATH Worker, and Patty Pitts, Family Independence Manager (FIM). From Michigan Works Southwest (MI Works) Anna Bronsink, Welfare Reform Manager; and Christine Trevino, Career Coach, appeared as witnesses for the Department.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-170.

ISSUE

Did the Department properly close and sanction Petitioner's Family Independence Program (FIP) case for noncompliance with Partnership, Accountability, Training, Hope (PATH) program requirements?

Did the Department properly decrease the Petitioner's FAP group's monthly allotment due to the FIP sanction?

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's partner was found to not have good cause for a noncompliance with PATH/MDHHS on February 22, 2024. (Exhibit A, p. 24)
2. In June 2024, Petitioner and her partner restarted with PATH participation as a condition of eligibility for FIP. (Exhibit A, pp. 22-24)
3. Petitioner's partner was aware of the need to complete 40 hours of community service when he sent an email to MI Works on June 28, 2024. (Exhibit A, p. 35)
4. On July 25, 2024, the Career coach extended the deadline for Petitioner's partner to submit community service verification to August 2, 2024. (Exhibit A, p. 22)
5. Community Service was discussed in subsequent meetings and further extensions were given. On September 12, 2024, the Career coach extended the deadline for Petitioner's partner to submit community service verification to September 26, 2024. (Exhibit A, pp. 22 and 28)
6. In the September 19, 2024 emails, Petitioner's partner indicated he no longer wanted to participate in the program. Petitioner and her partner were advised that they would both need to come in together to decide that one of them would be a non-participating partner and a new PATH plan would have to be signed. Petitioner indicated she was not agreeable to doing all of the PATH assignments. The Career Coach decided that the meeting that day would be skipped to allow Petitioner and her partner an opportunity to figure out what they wanted to do. (Exhibit A, pp. 11-13 and 101-120)
7. In a September 19, 2024 email, Petitioner and her partner were reminded that the deadline to have new verification for community service would be the meeting scheduled for September 26, 2024 at 11:30 am. The email advised that if Petitioner and her partner did not attend together to make changes, then a non-compliance would be issued. (Exhibit A, p. 11)
8. On September 25, 2024, Petitioner's partner emailed that there was a COVID-19 exposure and indicated he was not submitting the verification of community service due to no wanting to volunteer at that location. Petitioner and her spouse were asked not to attend the meeting but to send logs via email. (Exhibit A, pp. 16 and 121)
9. On September 26, 2024, Petitioner's partner submitted job search logs by email, 20 hours for the week of September 8, 2024 and 20 hours for the week of September 15, 2024. (Exhibit A, pp. 16 and 123)
10. On September 27, 2024, a Non-compliance Warning Notice was issued for not submitting community service verification by the extended deadline. Notice of a reengagement appointment for Petitioner's partner was also issued for an appointment scheduled for October 3, 2024 at 4:00 pm. (Exhibit A, pp. 16 and 126)

11. From September 30, 2024 through October 3, 2024, Petitioner's partner emailed MI Works asserting there was no reason for the noncompliance warning and no need for a reengagement meeting. MI Works responded by email indicating the noncompliance warning would be reviewed during the reengagement meeting. (Exhibit A, pp. 16 and 125-144)
12. On October 3, 2024, Petitioner and her partner participated in the re-engagement appointment by phone. Petitioner's partner did not give verbal authorization to sign the re-engagement agreement, rather he refused to answer the Career Coach or his partner when asked if he agreed to sign. Petitioner was given the evening to see if her partner would agree to sign and until noon on October 4, 2024 to turn in job search. (Exhibit A, pp. 7-8 and 16)
13. On October 4, 2024 at 3:57 am, Petitioner's partner sent an email indicating he would only agree to sign the re-engagement form if certain conditions were met. (Exhibit A, p. 145)
14. On October 4, 2024, job search activity was closed and notice of a triage meeting notice was issued by email at 9:19 am. (Exhibit A, pp. 15 and 148-149)
15. On October 4, 2024, at 10:08 am a copy of the re-engagement agreement was emailed to Petitioner's partner. (Exhibit A, pp. 9-10)
16. On October 4, 2024 at 12:04 pm Petitioner's partner sent an email in response to the emailed reengagement agreement stating he would never sign his name to something he disagrees with. (Exhibit A, p. 147)
17. On October 4, 2024 at 2:33 pm, Petitioner's partner sent an email stating he did agree to sign the re-engagement document. No action was taken in response because the time frame had passed and the triage meeting notice was already issued. (Exhibit A, pp. 15 and 152-157)
18. On October 11, 2024, the Department issued Petitioner's partner a Notice of Noncompliance based on oral/written refusal to comply on October 4, 2024. It was noted that this was a second non-compliance for FIP and FAP, and the penalty would be a FIP case closure for at least six months and an FAP disqualification for six months or until compliance, whichever is longer. (Exhibit A, pp. 19-21)
19. On October 18, 2024, a triage appointment was held and good cause for non-compliance was not found due to Petitioner's partner's refusal to sign the re-engagement agreement. (Exhibit A, p. 15)
20. On October 18, 2024, Petitioner filed a request for hearing contesting the Department's actions. (Exhibit A, p. 5)

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).

FIP

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 is temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency related activities so they can become self-supporting. BEM 230 A, October 1, 2022, p. 1.

Federal and state laws require each work eligible individual (WEI) in the FIP group to participate in Partnership, Accountability, Training, Hope (PATH) or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. BEM 230 A, p. 1. A WEI who refuses, without good cause, to participate in assigned employment and/or other self-sufficiency related activities is subject to penalties. BEM 230 A, p. 1.

A WEI and non-WEIs¹, who fails to participate in employment or self-sufficiency-related activities without good cause, must be penalized. Depending on the case situation, penalties include the following: delay in eligibility at application; ineligibility (denial or termination of FIP with no minimum penalty period); case closure for a minimum of three months for the first episode of noncompliance, six months for the second episode of noncompliance, and lifetime closure for the third episode of noncompliance. 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, January 1, 2022, p. 1.

Noncompliance of applicants, recipients, or member adds includes, without good cause, failing or refusing to: appear and participate with PATH or other employment service provider; provide legitimate documentation of work participation; participate in employment and/or self-sufficiency-related activities; or participate in required activity;

¹ Except ineligible grantees, clients deferred for lack of child care, and disqualified aliens. See BEM 228.

and stating orally or in writing a definite intent not to comply with program requirements. BEM 233A, p. 2.

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. BEM 233A, pp. 4 and 5.

PATH participants will not be terminated from PATH without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. Good cause is determined based on the best information available during the triage and prior to the negative action date. Good cause may be verified by information already on file with MDHHS or PATH. Good cause must be considered even if the client does not attend, with particular attention to possible disabilities (including disabilities that have not been diagnosed or identified by the client) and unmet needs for accommodation. BEM 233 A, pp. 9-10.

In June 2024, Petitioner and her partner restarted with PATH participation as a condition of eligibility for FIP. (Exhibit A, pp. 22-24).

Petitioner's partner was aware of the need to complete 40 hours of community service when he sent an email to MI Works on June 28, 2024. (Exhibit A, p. 35). Multiple extensions were granted to provide verification of community service. For example, on July 25, 2024, the Career coach extended the deadline for Petitioner's partner to submit community service verification to August 2, 2024. (Exhibit A, p. 22). Community Service was discussed in subsequent meetings and further extensions were given. On September 12, 2024, the Career coach extended the deadline for Petitioner's partner to submit community service verification to September 26, 2024. (Exhibit A, pp. 22 and 28).

Petitioner's partner asserted that the September 26, 2024 deadline was only verbal and was never put in writing. However, Petitioner's partner's emails and testimony establish that he was aware of the verbally given deadline of September 26, 2024. (Exhibit A, pp. 142, 162, and 166; Partner Testimony). Further, the September 26, 2024 deadline was put in writing in a September 19, 2024 email. (Exhibit A, p. 11).

In September 19, 2024 emails, Petitioner's partner indicated he no longer wanted to participate in the program. Petitioner and her partner were advised that they would both need to come in together to decide that one of them would be a non-participating partner and a new PATH plan would have to be signed. Petitioner indicated she was not agreeable to doing all of the PATH assignments. The Career Coach decided that the meeting that day would be skipped to allow Petitioner and her partner an opportunity to figure out what they wanted to do. (Exhibit A, pp. 11-13 and 101-120). As noted above, in a September 19, 2024 email, Petitioner and her partner were reminded that the deadline to have new verification for community service would be the meeting scheduled for September 26, 2024 at 11:30 am. The email advised that if Petitioner and her partner did not attend together to make changes, then a non-compliance would be issued. (Exhibit A, p. 11).

On September 25, 2024, Petitioner's partner emailed that there was a COVID-19 exposure and indicated he was not submitting the verification of community service due to no wanting to volunteer at that location. Petitioner and her spouse were asked not to attend the meeting but to send logs via email. (Exhibit A, pp. 16 and 121). On September 26, 2024, Petitioner's partner submitted job search logs by email, 20 hours for the week of September 8, 2024 and 20 hours for the week of September 15, 2024. (Exhibit A, pp. 16 and 123).

On September 27, 2024, a Non-compliance Warning Notice was issued for not submitting community service verification by the extended deadline. Notice of a reengagement appointment for Petitioner's partner was also issued for an appointment scheduled for October 3, 2024 at 4:00 pm. (Exhibit A, pp. 16 and 126).

From September 30, 2024 through October 3, 2024, Petitioner's partner emailed MI Works asserting there was no reason for the noncompliance warning and no need for a reengagement meeting. MI Works responded by email indicating the noncompliance warning would be reviewed during the reengagement meeting. (Exhibit A, pp. 16 and 125-144).

On October 3, 2024, Petitioner and her partner participated in the re-engagement appointment by phone. Petitioner's partner did not give verbal authorization to sign the re-engagement agreement, rather he refused to answer the Career Coach or his partner when asked if he agreed to sign. Petitioner was given the evening to see if her partner would agree to sign and until noon on October 4, 2024 to turn in job search. (Exhibit A, pp. 7-8 and 16).

On October 4, 2024 at 3:57 am, Petitioner's partner sent an email indicating he would only agree to sign the re-engagement form if certain conditions were met. (Exhibit A, p. 145). Accordingly, on October 4, 2024, job search activity was closed and notice of a triage meeting notice was issued by email at 9:19 am. (Exhibit A, pp. 15 and 148-149).

On October 4, 2024, at 10:08 am a copy of the re-engagement agreement was emailed to Petitioner's partner. (Exhibit A, pp. 9-10). On October 4, 2024 at 12:04 pm Petitioner's partner sent an email in response to the emailed reengagement agreement stating he would never sign his name to something he disagrees with. (Exhibit A, p. 147).

On October 4, 2024 at 2:33 pm, Petitioner's partner sent an email stating he did agree to sign the re-engagement document. No action was taken in response because the time frame had passed and the triage meeting notice was already issued. (Exhibit A, pp. 15 and 152-157).

On October 11, 2024, the Department issued Petitioner's partner a Notice of Noncompliance based on oral/written refusal to comply on October 4, 2024. It was noted that this was a second non-compliance for FIP and FAP, and the penalty would be a FIP case closure for at least six months and an FAP disqualification for six months or until compliance, whichever is longer. (Exhibit A, pp. 19-21).

On October 18, 2024, a triage appointment was held and good cause for non-compliance was not found due to Petitioner's partner's refusal to sign the re-engagement agreement. (Exhibit A, p. 15).

Petitioner's partner asserted that he should not have had to sign a reengagement agreement because the underlying noncompliance warning was not appropriate. However, Petitioner's partner was aware of the need to complete 40 hours of community service when he sent an email to MI Works on June 28, 2024. Numerous extensions were given. Petitioner's partner was aware of the September 26, 2024 deadline to submit community service verification, which was verbally given and put in writing in the September 19, 2024 email. In his September 25, 2024, email, Petitioner's partner indicated he was not submitting the verification of community service due to no wanting to volunteer at that location. Petitioner's partner had been given multiple extensions to allow time for him to find a location to volunteer. Therefore, the noncompliance warning was appropriate.

Overall, good cause is not found for the October 4, 2024 noncompliance of oral/written refusal to comply. The noncompliance warning was appropriate regarding not submitting community service verification by the extended due date. Petitioner's partner did not give verbal permission to sign the reengagement agreement during the October 3, 2024 meeting and the emails he sent through 12:04 pm on October 4, 2024 indicated he would not agree to sign the reengagement form without conditions. Accordingly, good cause is not found for Petitioner's noncompliance with PATH program requirements.

FAP

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.

Additionally, noncompliance without good cause, with employment requirements for FIP/RCA may affect FAP if both programs were active on the date of the FIP noncompliance. Michigan's FAP Employment and Training program is voluntary and penalties for noncompliance may only apply in the two situations, one of which is when client is active FIP/RCA and FAP and becomes noncompliant with a cash program requirement without good cause. BEM 233B, January 1, 2019, p. 1.

A FAP group member is disqualified for noncompliance when all the following exist: the client was active both FIP/RCA and FAP on the date of the FIP/RCA noncompliance; 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); and the client did not have good cause for the noncompliance. BEM 233 B, p. 3.

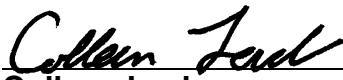
In this case, Petitioner was active for both FAP and FIP on the date of noncompliance. Good cause has not been established for the non-compliance. Accordingly, the determination to disqualify Petitioner from the FAP group, resulting in the decrease in the FAP group's monthly allotment, is upheld.

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 and sanctioned Petitioner's FIP case based on noncompliance with the PATH program requirements and when it reduced Petitioner's FAP group's monthly allotment based on the FIP sanction.

DECISION AND ORDER

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

CL/pt



Colleen Lack
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

Renee Olian
Kalamazoo County DHHS
427 E Alcott St
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Interested Parties

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