



**Date Mailed:** May 22, 2025

**Docket No.:** 25-007248

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED]

«RECIP\_FULL\_NAME»

«RECIP\_ADD0»

«RECIP\_ADD1»

«RECIP\_ADD2»

«RECIP\_CITY», «RECIP\_SPCODE»

«RECIP\_POSTAL»

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**Case No.:** [REDACTED]

**Petitioner:** [REDACTED]

### **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; 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 telephone conference on April 30, 2025. Petitioner appeared for the hearing with her mother [REDACTED] and represented herself. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Rita Bhatia, Family Independence Specialist.

### **ISSUE**

Did the Department properly close Petitioner's Family Independence Program (FIP) case due to a failure to participate in employment and/or 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 an ongoing recipient of FIP benefits.
2. As a condition of FIP eligibility, Petitioner was required to participate in the Partnership. Accountability. Training. Hope. (PATH) program.
3. In July 2024, Petitioner submitted a DHS-54A Medical Needs form completed by her doctor which indicates that she is being treated for major depression, anxiety, and ADHD. The doctor noted that Petitioner can work at her usual occupation with limitations, specifically, 10 hours per week for the next three months. (Exhibit 1, p.22).
4. The Department determined that based on the information provided by Petitioner's doctor, a reasonable accommodation could be made, and Petitioner was approved to participate in PATH for 10 hours per week.

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5. In or around November 2024, the Department informed Petitioner that because her doctor identified her limitations as only being necessary for three months, her accommodation expired, and she would be required to participate in the full 20 hours per week in order to comply with PATH requirements.
  6. The Department asserted that Petitioner participated in PATH as required until on or around November 15, 2024.
  7. On or around December 2, 2024, Petitioner contacted the Department via telephone and verbally requested a reasonable accommodation, requesting to continue to participate in PATH for only 10 hours per week. (Exhibit A, p. 34; Exhibit 1, p.20; Exhibit 2)
  8. On or around December 13, 2024, a representative from Michigan Works sent Petitioner a non-compliance warning notice via email and informed her that she was to attend a PATH reengagement meeting on December 16, 2024, at 10:30 AM in order to get back on track with submitting her PATH participation hours and prevent a triage with the Department. The email indicated that the last hours of PATH participation submitted were for the week ending November 15, 2024. (Exhibit 1, p. 21)
  9. On December 16, 2024, at 9:30 AM, Petitioner replied to the Michigan Works representative and stated that she is unable to attend the reengagement meeting because she is waiting for Ms. Bhatia from the Department to help her with an ADA accommodation for the work first. (Exhibit 1, p. 21)
  10. On or around December 16, 2024, the Department contacted Petitioner who reported that she did not attend her reengagement meeting that morning because she did not see the email until 1 hour before the appointment and was not able to get her baby ready in time to be at the appointment. The Department advised Petitioner that she would be required to submit updated medical information in order to continue being coded with limitations, as the medical documentation previously submitted indicated the limitations were only for three months and have expired. (Exhibit A, p. 34; Exhibit 1, p. 21)
  11. Because Petitioner asserted that her disability was ongoing and requested a more long-term accommodation, the Department determined that a Disability Determination Service (DDS) packet needed to be completed and returned in order for Petitioner's request for a long term deferral/accommodation to be assessed. (Exhibit A, p. 34; Exhibit 1, p. 21)
  12. On or around December 16, 2024, the Department sent Petitioner a Medical Determination Verification Checklist (VCL) for cash employment and training deferrals instructing her to submit the identified documents by December 26, 2024. Included with the VCL was a Medical Needs-PATH form, a psychiatric/psychological examination report, a medical social questionnaire, a

notice to apply for SSI, a verification of application or appeal for SSI/RSDI, and an authorization to release protected health information. (Exhibit A, pp. 10-29)

13. On or around December 20, 2024, the Department sent Petitioner a Notice of Noncompliance instructing her to attend a triage meeting on December 27, 2024, to discuss whether she had good cause for her alleged noncompliance with PATH activities. (Exhibit A, pp. 30-32)
14. On or around December 20, 2024, the Department sent Petitioner a Notice of Case Action advising her that effective February 1, 2025, her FIP case would be closed for at least three months because she failed to participate in employment and/or self-sufficiency-related activities without good cause.
15. Petitioner did not return the required forms needed for DDS to evaluate her long term disability/accommodation request by the December 26, 2024, due date. (Exhibit A, pp. 34)
16. On December 27, 2024, a triage was held with Petitioner, at the conclusion of which, the Department determined that Petitioner did not have good cause for her noncompliance. It was determined that the required medical forms were not returned and Petitioner failed to submit documentation that she continued to participate in employment activities as required either with or without a reasonable accommodation after the November 15, 2024, date identified by the Michigan Works representative. (Exhibit A, pp. 33-34)
17. On or around February 6, 2025, Petitioner requested a hearing disputing the Department's actions with respect to the closure of her FIP case. (Exhibit A, pp. 4-6)

### **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 is a temporary cash assistance program meant to support a family's movement to self-sufficiency. As a condition of FIP eligibility, all Work Eligible Individuals ("WEI") must engage in employment and/or self-sufficiency related activities, such as

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participating in the PATH program. The Department also requires clients to accept employment when offered. BEM 230A (October 2022), pp. 1-2; BEM 233A (October 2022), pp. 1-2. The WEI can be considered noncompliant for doing any of the following (including other reasons) without good cause: failing or refusing to participate in PATH or other employment service providers as required; failing to provide legitimate documentation of work participation; failure or refusing to appear for a scheduled appointment or meeting related to assigned activities; stating orally or in writing a definite intent not to comply with program requirements; failing or refusing to participate in employment and/or self-sufficiency related activities or to participate in a require activity; or failing or refusing to accept a job referral, complete a job application or appear for a job interview. BEM 233A, pp 1-4. Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that is based on factors that are beyond the control of the noncompliant person. Claims of good cause must be verified and documented. The various good cause reasons that are to be considered by the Department are found in BEM 233A, pp. 4-7.

A WEI who fails, without good cause, to participate in employment or self-sufficiency-related activities or refuses suitable employment, must be penalized. BEM 230A, pp. 1-2. In processing a FIP closure due to an employment penalty, the Department is required to send the client a notice of noncompliance, which must include: the name of the noncompliant individual; the date(s) of the noncompliance; the reason the client was determined to be noncompliant; the penalty duration; and the scheduled triage appointment. BEM 233A, pp. 10-12. Pursuant to BAM 220, a Notice of Case Action must also be sent which provides the reason(s) for the action. BAM 220 (November 2023). Work participation program participants will not be terminated from a work participation program without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A, pp. 9-12.

A triage must be conducted and good cause must be considered even if the client does not attend, with particular attention to possible disabilities and unmet needs for accommodation. BEM 233A, pp. 9-12. Clients must comply with triage requirements and provide good cause verification within the negative action period. BEM 233A, pp. 12-13. Good cause is determined using the best information available during the triage and prior to the negative action date. If the client does not provide a good cause reason for the noncompliance, the Department will determine good cause based on the best information available. BEM 233A, p. 10-13. The first occurrence of non-compliance without good cause results in FIP closure for not less than three calendar months; the second occurrence results in closure for not less than six months; and a third occurrence results in a FIP lifetime sanction. BEM 233A, p. 8.

In the present case, Petitioner had previously submitted medical documentation verifying her need for a reasonable accommodation to participate in PATH for only 10 hours weekly, instead of the required 20 hours weekly. Based on the information provided by Petitioner's doctor, the Department determined that this was a short term deferral that would expire after three months. Because Petitioner claimed a disability or

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an inability to fully participate in the PATH program for more than 90 days, the Department was required to assess her eligibility for a long-term incapacity deferral/reasonable accommodation and referred her case to DDS pursuant to the policies outlined in BEM 230A, BEM 233A, and BAM 815. BEM 230A, pp. 11-13; BAM 815 (April 2018), pp. 1-11. Petitioner was instructed to return the completed forms in order for DDS to determine whether her reasonable accommodation could be extended longer than three months. The Department asserted that Petitioner did not return the required forms needed for DDS to evaluate her long-term disability/accommodation request by the December 26, 2024, due date identified on the VCL. Additionally, the Department concluded that Petitioner had failed to attend her reengagement meeting and because Petitioner had also not participated in PATH requirements since November 15, 2024, during the December 27, 2024, triage meeting, determined that Petitioner had no good cause for her non-compliance and initiated the closure of her FIP case, imposing a three month sanction for the first occurrence of noncompliance without good cause.

At the hearing, Petitioner testified that she has ongoing medical issues and has submitted three medical needs forms to the Department documenting her medical conditions. Petitioner testified that she submitted medical needs forms completed by her doctor in August 2023, February 2024, and most recently, in July 2024. Petitioner testified that her doctor would not complete any additional forms for her, so she contacted the Department and asked for reasonable accommodations to continue being allowed to participate in PATH for only 10 hours per week. Petitioner testified that she made her request for reasonable accommodations to the Department on or around December 2, 2024. (Exhibit A, pp. 33-34; Exhibit 1; Exhibit 2). Petitioner asserted that the Department failed to make any reasonable accommodation for her disability, as her request was not approved. Petitioner asserted that she did not receive any assistance from the Department regarding her request for reasonable accommodation under the ADA and testified that her accommodation should be permanent, as the Department has the information regarding her medical conditions being ongoing. (Exhibit 1).

The Department confirmed that it received a request for a reasonable accommodation from Petitioner. The Department testified that in response, it sent Petitioner the VCL, instructing her to submit required forms in order for her request to be evaluated. BEM 230A outlines the procedure the Department is to follow when a request for reasonable accommodation is received and indicates that a disability that requires a reasonable accommodation must be verified by an appropriate source such as a doctor, psychologist, therapist, educator, etc. A Medical Needs form from a qualified medical professional can be used and for long term accommodations, the process outlined in BAM 815 is to be applied. BEM 230 A, pp. 1-5.


In this case, Petitioner was provided an opportunity to verify her need for a reasonable accommodation by submitting updated medical documentation. There was no evidence that as of the hearing date, Petitioner submitted any of the required forms needed to evaluate her long-term deferral or request for continued accommodation. There was

also no good cause established that Petitioner participated in PATH as required after November 15, 2024. Thus, the Department properly determined that Petitioner was noncompliant with work related activities without good cause and closed her FIP case as a result.

### **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 Department policy when it closed Petitioner's FIP case and imposed a three month sanction for noncompliance with work related activities.

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

  
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**ZAINAB A BAYDOUN**  
**ADMINISTRATIVE LAW JUDGE**

**APPEAL RIGHTS:** Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at [courts.michigan.gov](https://courts.michigan.gov). The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to [MOAHR-BSD-Support@michigan.gov](mailto:MOAHR-BSD-Support@michigan.gov), **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to  
Michigan Office of Administrative Hearings and Rules  
Rehearing/Reconsideration Request  
P.O. Box 30639  
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.





**Via**  
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**Interested Parties**  
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