

Date Mailed: May 13, 2025

Docket No.: 25-012085

Case No.: [REDACTED]

Petitioner: [REDACTED] [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 23, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Jennifer Jones FIS worker and Patti Pitts FIM. Department Exhibit 1, pp. 1-31 was received and admitted.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) benefit for failing to attend PATH?

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 receiving FIP and was up for review in December 2024.
2. Petitioner provided her correct phone number prior to the scheduled December [REDACTED] 2024, phone interview but the worker called an incorrect number on several occasions. (Ex. 1, p. 28)
3. On December [REDACTED] 2024, Petitioner's FIP case closed for failing to complete her redetermination interview and because she was under sanction from MI Works.
4. On January [REDACTED] 2025, Petitioner completed her redetermination interview.
5. On January [REDACTED], 2025, Petitioner was sent a PATH Appointment Notice instructing her to attend PATH within 15 days.
6. On January [REDACTED] 2025, a Notice of Case Action was sent to Petitioner informing her that her FIP case was closing because she failed to attend PATH orientation.
7. On March 21, 2025, Petitioner requested hearing disputing the closure of FIP.

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8. Petitioner credibly testified that she was not under sanction from Michigan Works in December 2024.
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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.

PROCESSING THE FIP CLOSURE

Follow the procedures outlined below for processing the FIP closure: • On the night that the one-stop service center case manager places the participant into triage activity, OSMIS will interface to Bridges a noncooperation notice. Bridges will generate a triage appointment at the local office as well as generating the DHS-2444, Notice of Employment And/Or Self-Sufficiency Related Noncompliance, which is sent to the client. The following information will be populated on the DHS-2444: The name of the noncompliant individual The date of the initial noncompliance. (For individuals being served by PATH, this is the date the client was considered to be noncompliant by the one-stop service center and placed into the triage activity in OSMIS.) All the dates, if addressing more than one incident of noncompliance. The reason the client was determined to be noncompliant. The penalty that will be imposed. The scheduled triage appointment, to be held within the negative action period. BEM 233A

In this case, Petitioner's FIP case closed on December █ 2024. Petitioner submitted a request for hearing disputing that closure on March █ 2024. Petitioner informed the Department at the prehearing conference that this was the closure she was disputing. The Department failed to provide the Notice of Case Action in the hearing packet for the December █ 2024, FIP closure. The Department representative testified that the case closed on December █ 2024, for failing to complete the redetermination interview and due to a sanction from Michigan Works. No proof was provided in the hearing packet or at hearing that Petitioner was under sanction from MI Works or that she received a Notice of Noncompliance. The Department did not present sufficient proof that Petitioner's case was closed for noncompliance in accordance with BEM 233A. Petitioner credibly testified at hearing that she was not under sanction from MI Works in December 2024. Petitioner was active for FIP at the time of hearing and credibly testified that she took no action to lift a sanction on her case because there was no sanction.

The Department representative also said that the December ■ 2024, FIP closure was because a phone interview had not been completed prior to the certification period ending. According to the case notes in the hearing packet, Ms. Jones called an incorrect number for Petitioner on several occasions, despite Petitioner having provided the correct number. (Ex. 1, p. 28) Therefore, the closure failing to complete interview was improper and incorrect.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it close Petitioner's FIP case on December ■ 2024.

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Petitioner's FIP case going back to the date of closure December ■ 2024.
2. Issue FIP benefits in the form of a supplement for any missed FIP benefits.



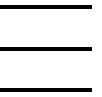
AARON MCCLINTIC
ADMINISTRATIVE LAW JUDGE

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. 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, **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 Electronic Mail:

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**MDHHS-KALAMAZOO-
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SANBORN

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MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]