



Date Mailed: November 6, 2025
Docket No.: 25-033917
Case No.: [REDACTED]
Petitioner: [REDACTED]

[REDACTED]
[REDACTED]
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This is an important legal document. Please have someone translate the document.

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এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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Docket No.: 25-033917

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 October 15, 2025. Petitioner appeared for the hearing and was represented by her Authorized Hearing Representative (AHR) [REDACTED]. A representative from the Michigan Department of Health and Human Services (MDHHS or Department) did not appear for the hearing and it was held in the absence of the Department.

It is noted that while a representative from the Department contacted the undersigned after the closure of the hearing record to advise that they had missed the hearing, there was no request for adjournment and no good cause presented for the Department's failure to appear on time for the scheduled hearing.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) case and reduce her Food Assistance Program (FAP) benefits 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 and FAP benefits.
2. As a condition of FIP eligibility, Petitioner was required to participate in the Partnership. Accountability. Training. Hope. (PATH) program.
3. On or around August 5, 2025, the Department sent Petitioner a Notice of Case Action advising her that effective September 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. The Notice of Case Action also advised Petitioner that she would be disqualified from the FAP group and her FAP benefits reduced effective September 1, 2025, due to the alleged noncompliance.

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4. On or around August 27, 2025, Petitioner requested a hearing disputing the closure of her FIP case and the reduction of her FAP benefits.
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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.

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.

In this case, Petitioner requested a hearing disputing the closure of her FIP case and the reduction of her FAP benefits.

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 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 required 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.

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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.

Additionally, noncompliance without good cause with employment requirements for FIP may affect FAP if both programs were active on the date of FIP non-compliance. BEM 233B (April 2025), p. 1. An individual is disqualified from a FAP group for noncompliance when the client had active FIP and FAP benefits on the date of the FIP noncompliance; the client did not comply with the FIP employment requirements; the client is subject to penalty on the FIP program; the client is not deferred from FAP work requirements; and the client did not have good cause for the noncompliance. BEM 233B, pp. 2-4. Disqualifications for failure to comply without good cause are the same for FAP applicants, recipients and member adds. For the first occurrence of noncompliance without good cause, the Department will disqualify the client for one month or until compliance, whichever is longer. For the second occurrence of noncompliance without good cause, the Department will disqualify the client for six months or until compliance, whichever is longer. BEM 233B, pp. 6-7.

At the hearing, the undersigned read the Hearing Summary prepared by the Department in response to Petitioner's request for hearing into the hearing record. According to the Hearing Summary, Petitioner's FIP benefits were terminated due to her failure to attend the PATH program. The Hearing Summary states that Petitioner was notified via email of a triage appointment scheduled for August 14, 2025; however, Petitioner did not attend the triage appointment. The Hearing Summary states that as a result, Petitioner's cash assistance case was closed and due to her not having good

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cause for her cash noncompliance, she is being sanctioned for the food and the group is two instead of three.

At the hearing, Petitioner disputed the information in the Hearing Summary. Petitioner asserted that she did not receive any of the PATH appointment or triage notices because she did not have access to the mailbox at her apartment complex for at least one month. Petitioner's AHR asserted that Petitioner made numerous attempts for the apartment office manager to assist her with the lack of access to her mailbox, but the office manager never sent any maintenance person to fix it. Although the Hearing Summary was read into the record, the Department was not present for the hearing and thus did not present any evidence in support of its finding that Petitioner was noncompliant with work related activities without good cause. There was no evidence presented regarding Petitioner's alleged noncompliance, the date of the noncompliance, or whether Petitioner was issued any Notice of Noncompliance. Furthermore, because the Department was not present, Petitioner's testimony was unrebutted. Upon review, the Department failed to establish that Petitioner failed to comply with PATH as required without good cause and thus, failed to show that she should be sanctioned under the FIP and FAP for alleged noncompliance.

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 closed Petitioner's FIP case and reduced her FAP benefits effective September 1, 2025, due to a failure to participate in employment and/or self-sufficiency related activities without good cause.

Accordingly, the Department's FIP and FAP decisions are **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 effective September 1, 2025, and remove the three month noncompliance sanction/penalty that was imposed on Petitioner's FIP case for a first occurrence of noncompliance without good cause;
2. Issue FIP supplements to Petitioner from September 1, 2025, ongoing, in accordance with Department policy if otherwise eligible;
3. Remove the noncompliance sanction/penalty disqualification that was imposed on Petitioner's FAP case for a first occurrence of noncompliance without good cause;

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4. Recalculate Petitioner's FAP budget to include Petitioner as a qualified FAP group member from September 1, 2025, ongoing;
5. Issue FAP supplements to Petitioner from September 1, 2025, ongoing, in accordance with Department policy; and
6. Notify Petitioner and her AHR in writing of its decisions.



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. 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.

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Via Electronic Mail:

Respondent

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Via First Class Mail:

Authorized Hearing Rep

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Petitioner

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