

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 201337130
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: April 24, 2013
County: Wayne County (#31)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was conducted on Wednesday April 24, 2013 from Detroit, Michigan. Claimant appeared and testified. Participant on behalf of Department of Human Services (Department) was [REDACTED] (Family Independence Specialist).

ISSUE

Whether the Department properly denied Claimant's application for cash assistance ("FIP") benefits for non-compliance 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. On January 4, 2013, the Department received the Claimant's application for FIP benefits.
2. On January 4, 2013, the Department sent a Partnership Accountability Training Hope (PATH) Appointment Notice instructing the Claimant to attend orientation on January 14, 2013. (Exhibit 4)
3. The Claimant attended the Work First/PATH appointment as scheduled.

4. On February 25, 2013, the Department sent Claimant Notice of Case Action that her FIP application was denied for failure to complete the entire PATH orientation process. (Exhibit 2)
5. On March 14, 2013, the Department received Claimant's written hearing request disputing the action.

CONCLUSIONS OF LAW

The Department of Human Services (DHS) policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) is temporary cash assistance to support a family's movement to self sufficiency. It was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Department requires that all work eligible individuals ("WEI"), and non-WEIs, engage in employment and/or self-sufficiency-related activities to increase their employability and obtain employment. BEM 233A (January 2013), p. 1. At application, all non-deferred clients are referred to the PATH program and must complete the 21 day PATH application eligibility period (AEP) part of orientation which is an eligibility requirement for approval of the FIP application. BEM 229 (January 2013), p. 1. Failure to complete all three components of the AEP which include beginning the AEP by the last date to attend; completing PATH AEP requirements; and continue to participate in PATH after completion of the 21 day AEP will result in denial of the FIP application. BEM 229, p. 1. Clients must engage in and comply with all PATH assignments while the FIP application is pending. BEM 229, p. 5. The Department's system will automatically deny FIP benefits for non-compliance while an application is pending. BEM 229, p. 5.

In this case, the Claimant attended the PATH orientation, as scheduled, on January 14, 2013. The Department alleges that she did not complete the entire orientation process. Claimant testified credibly that she was participating with the PATH program, as required, by submitting job search logs due each Friday. At some point she was told by the PATH worker that she needed to contact her Department worker to submit additional documentation before she could continue participating in the program. Claimant scheduled an appointment to see her Department worker but the worker was unavailable, and as a result she spoke with several different workers about her case. Nothing was resolved and she was not provided with any paperwork to report back to the PATH program. The Claimant's testimony was not refuted.

Evidence shows that at least three different Department workers handled the Claimant's case during the period of case action. The Department worker that participated in the hearing was not involved with the case prior to the hearing request and had no personal knowledge of what previously occurred. Conflicting evidence was presented regarding the Claimant's contact and participation with the PATH program. The PATH worker did not participate in the hearing process. The Department did not present sufficient credible testimony or documentary evidence to substantiate that the Claimant willingly failed to complete the PATH orientation process. Therefore, the Department did not establish by a preponderance of the evidence that it acted in accordance with policy when it denied Claimant's application for FIP benefits.

Accordingly, the Department's action is not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did not establish it acted in accordance with policy when it denied the Claimant's January 4, 2013 FIP application..

Accordingly, the Department's FIP determination is hereby, **REVERSED**.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall reinstate the Claimant's January 4, 2013 application for FIP benefits.
2. The Department shall initiate processing of the application and refer the Claimant back to the PATH program.
3. The Department shall issue a supplement for FIP benefits commensurate with the January 4, 2013 application date pending Claimant's completion of the 21 day PATH orientation process, if otherwise eligible and qualified in accordance with policy.



Michelle Howie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 4/29/2013

Date Mailed: 4/29/2013

NOTICE: Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

MH/hw

cc:

