

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201342012
Issue No.: 1010
Case No.: [REDACTED]
Hearing Date: May 16, 2013
County: Wayne DHS (35)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 held on May 16, 2013, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED] Manager, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS may withhold a reinstatement of Family Independence Program (FIP) benefits until Claimant begins participation with 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. Claimant was an ongoing FIP, Food Assistance Program (FAP) and Medical Assistance (MA) benefit recipient.
2. On an unspecified date, DHS terminated Claimant's FIP, FAP and MA benefit eligibility, effective 4/2013.
3. On 4/15/13, Claimant requested a hearing to dispute the FIP, FAP and MA benefit determinations.
4. On an unspecified subsequent date, DHS reinstated Claimant's FAP and MA benefit eligibility, effective 4/2013, but not Claimant's FIP benefit eligibility.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) is a block grant that was established by the Social Security Act. Public Act (P.A.) 223 of 1995 amended P.A. 280 of 1939 and provides a state legal base for FIP. FIP policies are also authorized by the Code of Federal Regulations (CFR), Michigan Compiled Laws (MCL), Michigan Administrative Code (MAC), and federal court orders. Amendments to the Social Security Act by the U.S. Congress affect the administration and scope of the FIP program. The U.S. Department of Health and Human Services (HHS) administers the Social Security Act. Within HHS, the Administration for Children and Families has specific responsibility for the administration of the FIP program. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant requested a hearing to dispute a FIP, FAP and MA benefit termination of benefits. It was not disputed that DHS reinstated Claimant's FAP and MA benefit eligibility. Claimant conceded that she is satisfied with the MA and FAP benefit reinstatements. Claimant wanted to pursue a hearing based on the DHS failure to reinstate Claimant's FIP eligibility.

DHS testified that Bridges (the DHS database) prevented reinstatement of Claimant's FIP eligibility until Claimant attends Partnership. Accountability. Training. Hope. (PATH) orientation. DHS cannot rely on what Bridges does or does not do as support for a case action. DHS policy is the proper source to determine the correctness of a DHS action. Thus, it must be determined whether DHS was justified in stalling reinstatement of Claimant's FIP eligibility until she attended PATH.

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. BEM 230A (1/2013), p. 1. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. *Id.* PATH is administered by the Workforce Development Agency, State of Michigan through the Michigan one-stop service centers. *Id.* PATH serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. *Id.*


DHS alleged that Claimant had not attended PATH for the last year. For purposes of this decision, the DHS allegation will be accepted as correct. In the present case, a FIP benefit termination occurred because of a mistaken belief by DHS that Claimant failed to submit necessary documents; the termination had nothing to do with Claimant's failure to attend PATH. DHS is entitled to expect Claimant to participate with PATH for future eligibility. DHS policy does not allow mandating PATH participation as a condition of benefit reinstatement following an undisputedly improper benefit termination.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's FIP benefit eligibility. It is ordered that DHS:

- (1) reinstate Claimant's FIP benefit eligibility, effective 4/2013, subject to the concession that the termination was improper and the finding that Claimant's participation with PATH is not required prior to reinstatement; and
- (2) supplement Claimant for any FIP benefits improperly not issued.

The actions taken by DHS are REVERSED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/23/2013

Date Mailed: 5/23/2013

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

CG/hw

cc:

