

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-42691
Issue No.: 1005
Case No.: [REDACTED]
Hearing Date: May 20, 2013
County: Wayne (82-18)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 20, 2013, from Detroit, Michigan. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |

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 applied for benefits received benefits for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. On March 16, 2013, the Department
 denied Claimant's application closed Claimant's case
due to Claimant's failure to attend her scheduled PATH appointment
3. On March 22, 2013, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On April 19, 2013, Claimant filed a hearing request, protesting the
 denial of the application. closure of the case.

CONCLUSIONS OF LAW

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

The Family Independence Program (FIP) 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.

As a condition of FIP eligibility, all Work Eligible Individuals (WEIs) must engage in employment and/or self-sufficiency-related activities. BEM 233A (January 2013), p. 1. At the time of FIP application, WEIs are referred to the Partnership.Accountability.Training.Hope.(PATH) program. BEM 203A (January 2013), p. 4. The last date for a client to make contact with PATH is 15 calendar days from the date that the PATH referral and the PATH Appointment Notice are sent. BEM 203A, p. 4. If the client calls to reschedule before the 15th day, the Department or PATH program is to extend the last day for client contact. BEM 203A, p. 4. Noncompliance by a WEI while the application is pending results in group ineligibility. BEM 233A, p. 5.

In this case, Claimant submitted an application for FIP benefits on February 28, 2013. On March 1, 2013, the Department sent Claimant a PATH Appointment Notice instructing her to attend orientation on March 12, 2013. Exhibit 1. Although Claimant stated that she received the appointment notice, she did not attend on March 12, 2013. The notice informed Claimant that all applicants for FIP must attend PATH within 15 days of the date of the notice and a failure to attend orientation within 15 days will result in the FIP application denial. BEM 203A (January 2013), p. 4; Exhibit 1. According to the Department, the last day that Claimant could have attended PATH orientation was March 17, 2013. Exhibit 2. At the hearing, the Department testified that because Claimant did not attend the PATH orientation within 15 days of the notice, the Department sent Claimant a Notice of Case Action on March 22, 2013, denying her FIP application from the period of March 16, 2013, ongoing. Exhibit 4.

At the hearing, Claimant testified and the Department confirmed that she spoke to the Department a few days after she missed the March 12, 2013, PATH orientation and was informed by the Department that she had to attend PATH orientation before March 17, 2013, which was a Sunday. Claimant stated that on Friday, March 15, 2013, she went to the PATH program and was informed that PATH orientation was only held on Tuesdays and that her Department worker needed to reschedule her PATH orientation and that she could not just walk in without an appointment. The Department testified that if a Claimant misses a scheduled orientation prior to the 15 day period, it is the responsibility of the PATH program to reschedule a missed orientation, not the Department.

Claimant clearly contacted the Department within 15 days of the date of her original PATH appointment notice and attempted to attend the PATH orientation. Because Claimant made contact with PATH within the 15 days, the Department should have extended the last day for client contact with PATH and rescheduled her PATH orientation. BEM 203A, p. 4. Therefore, the Department did not act in accordance with Department policy when it denied Claimant's application for FIP benefits due to a failure to attend the PATH program.

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 act in accordance with Department policy when it denied Claimant's FIP application due to a failure to attend the PATH program. Accordingly, the Department's decision is REVERSED.

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

1. Reregister Claimant's February 28, 2013, application for FIP benefits;
2. Begin reprocessing the application from February 28, 2013, ongoing in accordance with Department policy and consistent with this Hearing Decision;
3. Begin issuing supplements to Claimant for any FIP benefits that she was eligible to receive but did not from February 28, 2013, ongoing in accordance with Department policy; and

4. Notify Claimant of its decision in writing in accordance with Department policy.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 28, 2013

Date Mailed: May 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 affect the substantial rights of the claimant,
 - 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

ZB/pf

cc:

