

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-45709
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: [REDACTED]
County: Wayne DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 [REDACTED] from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly denied the Claimant's application for Family Independence Program (FIP) benefits for noncompliance with employment and/or self-sufficiency related activities?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On [REDACTED], the Claimant applied for Family Independence Program (FIP) benefits.
2. The Department referred the Claimant to the Partnership Accountability Training Hope (PATH) program as a condition of receiving FIP benefits.
3. On [REDACTED], the Department sent the Claimant notice that she had been scheduled to participate in the PATH program on [REDACTED].
4. The Claimant was noncompliant with the PATH program when she failed to attend [REDACTED] appointment.

5. On [REDACTED] Department notified the Claimant that it had denied her Family Independence Program (FIP) application.
6. The Department received the Claimant's request for a hearing on [REDACTED] protesting the denial of her Family Independence Program (FIP) application.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, et seq. The Department of Human Services (DHS or Department) administers the FIP program pursuant to MCL 400.10, et seq., and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

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. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. PATH is administered by the Workforce Development Agency, State of Michigan through the Michigan one-stop service centers. PATH serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. PATH case managers use the One-Stop Management Information System (OSMIS) to record the clients' assigned activities and participation. Department of Human Services Bridges Eligibility Manual (BEM) 230A (January 1, 2013).

Noncompliance by a WEI while the application is pending results in group ineligibility. A WEI applicant who refused employment without good cause, within 30 days prior to the date of application or while the application is pending, must have benefits delayed; see Benefit Delay for Refusing Employment in this item. Department of Human Services Bridges Eligibility Manual (BEM) 233A (January 1, 2013).

The Claimant applied for Family Independence Program (FIP) benefits on [REDACTED] and the Department referred her to the Partnership Accountability Training Hope (PATH) program as a condition of receiving benefits. On [REDACTED], the Department sent the Claimant notice that she had been scheduled to participate in the PATH program on [REDACTED]. The Claimant was noncompliant with the PATH program when she failed to attend her [REDACTED], appointment. On [REDACTED], the Department notified the Claimant that it had denied her Family Independence Program (FIP) application.

The Claimant offered documentation consisting of a statement signed by her treating physician on [REDACTED], and noting that the Claimant has diabetes in her pregnancy and is required to test her sugars four times a day.

The physician's statement does not establish that the Claimant was unable to attend her [REDACTED] appointment due to her pregnancy or a medical appointment. The statement does not establish that the Claimant's condition prevented her from participating in the PATH program on [REDACTED], or that she is not capable of performing PATH activities due to her pregnancy or diabetes.

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Claimant failed to attend her [REDACTED] PATH appointment without good cause, and the Department was acting in accordance with policy when it denied her application for benefits while the application was pending.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department was acting in accordance with policy when it denied the Claimant's application for Family Independence Program (FIP) for noncompliance with the PATH program while her application was pending.

The Department's Family Independence Program (FIP) eligibility determination is **AFFIRMED**. It is **SO ORDERED**.

_____/S/_____
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 06/12/2013

Date Mailed: 06/12/2013

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

KS/kl

cc:

