

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

**IN THE MATTER OF:**

████████████████████  
████████████████████  
████████████████████

Reg. No.: 2013-56792  
Issue No.: 1021  
Case No.: ██████████  
Hearing Date: August 22, 2013  
County: Wayne (49)

**ADMINISTRATIVE LAW JUDGE:** Eric Feldman

**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 August 22, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Eligibility Specialist.

**ISSUE**

Did the Department properly deny Claimant's Family Independence Program (FIP) program application effective May 1, 2013, ongoing?

**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 April 12, 2013, Claimant applied for FIP benefits. See Exhibit 1.
2. On April 12, 2013, the Department sent Claimant a Partnership. Accountability. Training. Hope. (PATH) Appointment Notice instructing the Claimant to attend the PATH orientation on May 13, 2013. Exhibit 1.
3. On April 22, 2013, Claimant arrived at the PATH office with her child and was unable to stay. See Exhibit 1.
4. On May 14, 2013, Claimant went to the PATH office; however, she failed to complete her individual intake. See Exhibit 1.

5. Claimant also failed to complete her 21 day PATH application eligibility period (AEP). See Exhibit 1.
6. On June 5, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP application was denied effective May 1, 2013, ongoing. Exhibit 1.
7. On July 11, 2013, Claimant filed a hearing request, protesting the Department's action. Exhibit 1.

### **CONCLUSIONS OF LAW**

Department 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) 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.

In this case, on April 12, 2013, Claimant applied for FIP benefits. See Exhibit 1. On April 12, 2013, the Department sent Claimant a PATH Appointment Notice instructing the Claimant to attend the PATH orientation on May 13, 2013. Exhibit 1. On April 22, 2013, Claimant arrived at the PATH office with her child and was unable to stay. See Exhibit 1. On May 14, 2013, Claimant went to the PATH office; however, she failed to complete her individual intake. See Exhibit 1. The Department also testified that Claimant failed to complete her 21 day PATH application eligibility period (AEP). See Exhibit 1. On June 5, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP application was denied effective May 1, 2013, ongoing. Exhibit 1.

Federal and state laws require each work eligible individual (WEI) in the FIP group to participate in PATH or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (January 2013), p. 1. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. BEM 230A, p. 1.

Regarding FIP applications, completion of 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. PATH participants must complete all of the following in order for their FIP application to be approved: Begin the AEP by the last date to attend as indicated on the DHS-4785, PATH Appointment Notice; Complete PATH AEP requirements; and Continue to participate in PATH after completion of the 21 day AEP. BEM 229, p. 1. The Department denies the FIP application if an applicant does not complete all of the above three components of the AEP. BEM 229, p. 1. The

Department will automatically issue a DHS-4785, PATH Program Appointment Notice, at application, member add, or when a client loses a deferral to schedule an appointment for each mandatory PATH participant. BEM 229, p. 5. When assigned, clients must engage in and comply with all PATH assignments while the FIP application is pending. BEM 229, p. 5. PATH engagement is a condition of FIP eligibility. BEM 229, p. 5. Failure by a client to participate fully in assigned activities while the FIP application is pending will result in denial of FIP benefits. BEM 229, p. 5. The Department automatically denies FIP benefits for noncompliance while the application is pending. BEM 229, p. 5. Clients can reapply for FIP at any time after their application is denied for failing to appear or participate with PATH. BEM 229, p. 4.

At the hearing, the Department testified that Claimant arrived at the PATH office on April 22, 2013; however, she was unable to stay due to her child being present with her. Additionally, on May 14, 2013, Claimant went to the PATH office; however, she failed to complete her individual intake. See Exhibit 1. Nevertheless, the Department testified that Claimant failed to complete her 21 day PATH application eligibility period (AEP). See Exhibit 1. The Department presented case notes which indicated that Claimant failed to complete three weeks of AEP assignments. See Exhibit 1. Thus, the Department denied Claimant's FIP application due to her failure to comply with all the PATH assignments while the FIP application is pending. BEM 229, p. 5.

Claimant testified that she was attending school. Moreover, Claimant testified that one of her classmate's educations qualified for the PATH program. Claimant testified that she provided the PATH program with her school information. However, on May 14, 2013, Claimant testified the PATH program denied her education request because she was not in an education twelve month program. Thus, Claimant admitted that she did go to school rather than attend the PATH program. It should be noted that Claimant is a single parent of a child under the age of six who lacked day care at the time of application. This is based on the fact that Claimant was approved for the Child Development and Care (CDC) program benefits effective June 16, 2013, ongoing. See Exhibit 1. The approval of CDC benefits was on the same Notice of Case Action that denied Claimant's FIP application. See Exhibit 1.

At application, the registration support staff must provide clients with a DHS-619, Jobs and Self-Sufficiency Survey. BEM 229, p. 1. The Department must do all of the following:

- Review the survey or the PDF copy of the application, and other information in the case record and the system during the intake interview to make a preliminary barrier assessment to determine the client's readiness for PATH referral.
- Identify and provide direct support services as needed. Child care and transportation barriers are common. DHS is responsible and must assist clients who present with child care or transportation barriers before requiring PATH attendance.

- Open/edit the Family Self-Sufficiency Plan (FSSP) and enter strength and barrier information identified and addressed during the intake process.
- Temporarily defer an applicant with identified barriers until the barrier is removed.
- Temporarily defer an applicant who has identified barriers that require further assessment or verification before a decision about a lengthier deferral is made, such as clients with serious medical problems or disabilities or clients caring for a spouse or child with disabilities.

Note: Clients should not be referred to orientation and AEP until it is certain that barriers to participation such as lack of child care or transportation have been removed, possible reasons for deferral have been assessed and considered, and disabilities have been accommodated.

BEM 229, pp. 1-2.

The Department testified that it did request from the Claimant her CDC/provider information. However, the Department testified that it did not receive any of the CDC/provider information until May 28, 2013. This date is subsequent to Claimant's PATH Appointment Notice. See Exhibit 1. It should also be noted that Claimant's April 12, 2013 application does indicate that Claimant was also applying for CDC benefits. See Exhibit 1.

Based on the foregoing information and evidence, the Department improperly denied Claimant's FIP application effective May 1, 2013, ongoing. Even though Claimant admitted that she failed to complete her 21 day PATH AEP, she should not have been referred to the PATH program until the barrier of child care was resolved. It is evident that the Department was aware that Claimant was seeking CDC benefits on the April 12, 2013 application. See Exhibit 1. However, on the same day of the application, the Department sent Claimant a PATH Appointment Notice. See Exhibit 1. BEM 229 states that clients should not be referred to orientation and AEP until it is certain that barriers to participation such as lack of child care have been removed. BEM 229, p. 2. Claimant clearly had a lack of child care issue as she went to the PATH office on April 22, 2013 with her child. Moreover, Claimant was ultimately approved for CDC benefits on the June 5, 2013 Notice of Case Action. See Exhibit 1. It should have been around the time of CDC approval that Claimant be referred to orientation because the barrier of child care had been removed. Thus, Claimant should have not been referred to the PATH program until her barrier of child care had been removed.

**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 improperly denied Claimant's FIP application effective May 1, 2013, ongoing.

Accordingly, the Department's  AMP  FIP  FAP  MA  SDA  CDC decision is  AFFIRMED  REVERSED for the reasons stated on the record.

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

1. Initiate reregistration of the April 12, 2013 FIP application;
2. Begin reprocessing the application/recalculating the FIP budget for May 1, 2013, ongoing, in accordance with Department policy;
3. Begin issuing supplements to Claimant for any FIP benefits she was eligible to receive but did not from May 1, 2013, ongoing; and
4. Begin notifying Claimant in writing of its FIP decision in accordance with Department policy.



**Eric Feldman**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: August 28, 2013

Date Mailed: August 28, 2013

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;

- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-07322

EJF/cl

cc:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
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