

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

**IN THE MATTER OF:**

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

Reg. No.: 2013 58466  
Issue No.: 1038  
Case No.: ██████████  
Hearing Date: August 15, 2013  
County: Wayne (35)

**ADMINISTRATIVE LAW JUDGE:** Lynn M. Ferris

**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 15, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ PATH Specialist.

**ISSUE**

Did the Department properly deny the Claimant's FIP application for failure to attend the PATH Orientation?

**FINDINGS OF FACT**

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

1. The Claimant applied for FIP cash assistance on May 20, 2013.
2. The Department assigned the Claimant and her partner to attend PATH orientation on June 17, 2013. Exhibit 2
3. The Claimant provided a Disability Certificate on June 17, 2013 to the Department indicating that her partner, ██████████ could not work. No deferral was processed for ██████████.
4. The Claimant attended the orientation appointment; the Claimant's partner, ██████████ also attended orientation and had foot surgery after orientation.

5. The Claimant provided proof from her doctor that she was on bed rest to the Department.
6. The Department did not speak to the PATH program to determine if the Claimant failed to attend the PATH Program.
7. The Claimant provided the Department a note from her doctor and her hospital attendance on [REDACTED] [REDACTED] [REDACTED] and a Certificate of Disability for [REDACTED] [REDACTED]
8. The Department denied the FIP application for Claimant's failure to attend Work First on July 3, 2013. The Notice of Case Action submitted at the hearing indicated the application was denied [REDACTED] Not Eligible, receives SSI. The Notice indicated that no group individual was eligible and did not meet the criteria for being in the group. Exhibit 1.
9. The Claimant gave birth by caesarean section on [REDACTED], [REDACTED] after being assigned the PATH program. The Claimant advised the Department at application that she was on bed rest.
10. The Claimant requested a hearing on July 11, 2013 protesting the denial of her FIP application.

### **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.

Additionally, at the hearing it was determined that the Department improperly denied the Claimant's May 20, 2013 application for two reasons. The Department improperly determined that the Claimant and her partner did not attend PATH orientation, as they did, as evidenced by letters showing they attended on June 17, 2013 and further based upon the presentation of a doctor's certificate that the Claimant's partner should have been deferred from attending the PATH program pending MRT approval. The Claimant credibly testified that she provided a Certificate of Disability to the Department with a letter from her doctor and proof of hospital admission to the Department on June 19, 2013, prior to the denial of the application. As the Department did not have the case file at the hearing, the Department did not rebut the Claimant's credible testimony that she provided a letter from her doctor and proof that she was in the hospital on [REDACTED],

orientation. Both of the proofs of disability should have required a deferral be processed. Further, at no time did the Department produce a Notice of Case Action indicating that the FIP application was denied due to failure to attend the PATH program. Based upon these circumstances it is determined that the Department improperly denied the application. BEM 233 A and BEM 600.

**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

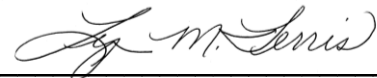
did act properly when

did not act properly when it denied the Claimant's FIP application dated May 20, 2013.

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. The Department shall initiate reinstatement of the Claimant's FIP application dated May 20, 2013 and process the application to determine eligibility. The Department shall process a deferral as of June 17, 2013 for [redacted] and defer the Claimant due to hospitalization due to her pregnancy.
2. The Department shall issue a FIP supplement to the Claimant for any FIP benefits she was otherwise entitled to receive in accordance with Department policy.



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**Lynn M. Ferris**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: August 23, 2013

Date Mailed: August 23, 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

LMF/cl

cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]