

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

IN THE MATTER OF:



Reg. No.: 2013-66058
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: October 2, 2013
County: Wayne (82-15)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 2, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

Did the Department properly deny Claimant's application for Family Independence Program (FIP) benefits?

FINDINGS OF FACT

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

1. In June or July 2013, Claimant filed an FIP application.
2. On July 19, 2013, the Department sent Claimant a PATH Appointment Notice requiring her to attend the PATH program orientation on July 29, 2013 (Exhibit 1).
3. Claimant participated in the PATH program on July 29 and 30, 2013, but did not participate the next three weeks (Exhibit 2).
4. On August 20, 2013, Claimant submitted to the Department a note from her doctor informing the Department that she would be off starting August 26, 2013, and for six to eight weeks postpartum (Exhibit 4).

5. On August 22, 2013, the Department sent Claimant a Notice of Case Action denying her application because she had failed to complete the entire PATH orientation process (Exhibit 3).
6. On August 26, 2013, Claimant filed a request for hearing disputing the Department's action.

CONCLUSIONS OF LAW

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

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

Additionally, a client's FIP application cannot be approved until the client completes the 21-day PATH application eligibility period (AEP) part of orientation. BEM 229 (January 2013), p. 1. This requires that the client (1) begin the AEP by the last date to attend indicated on the PATH Appointment Notice, (2) complete the PATH AEP requirements, and (3) continue to participate in PATH after completion of the 21-day AEP. BEM 229, p. 1. Failure by a client to participate fully in PATH-assigned activities while the FIP application is pending will result in denial of FIP benefits. BEM 229, p. 5.

In this case, Claimant admitted that she did not attend the PATH program after completing the first two days of orientation. She contended that she did not attend because she was eight months pregnant and had pregnancy-related issues. A client may request a deferral from PATH due to pregnancy complications, but the client must provide medical verification that indicates that she is unable to participate. BEM 230A (January 2013), p. 7. In this case, Claimant provided the Department with a note from her doctor dated [REDACTED], which notified the Department that Claimant "will be off starting 8/26/2013 and will return 6 to 8 weeks postpartum." This note was not sufficient to explain Claimant's noncompliance between August 5, 2013, and August 26, 2013. Further, Claimant admitted that she did not notify the Department or the PATH program that she was unable to attend the PATH program because of her pregnancy.

Because Claimant did not participate in the PATH AED part of orientation and did not present verification justifying a deferral from participation based on her pregnancy, the Department acted in accordance with Department policy when it denied Claimant's FIP application.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: October 8, 2013

Date Mailed: October 8, 2013

NOTICE OF APPEAL: 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.

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).

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

ACE/pf

cc:

