

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

IN THE MATTER OF:

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

Reg. No.: 2013-59912
Issue No.: 1021
Case No.: ██████████
Hearing Date: October 23, 2013
County: Wayne (17)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 23, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ ██████████ Partnership. Accountability Training. Hope. (PATH) Case Manager.

ISSUE

Did the Department properly deny Claimant's Family Independence Program (FIP) application effective March 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 February 11, 2013, Claimant applied for FIP benefits. See Hearing Summary, Exhibit 1.
2. On February 13, 2013, the Department sent Claimant a PATH Appointment Notice instructing the Claimant to attend the PATH orientation on March 4, 2013. See Hearing Summary, Exhibit 1.
3. Claimant attended the PATH appointment. See Hearing Summary, Exhibit 1.
4. On March 12, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP application was denied effective March 1, 2013, ongoing, due to her failure to attend the PATH orientation. Exhibit 1.

5. On an unspecified date, the Department discovered that Claimant's FIP application was denied in error because she attended her PATH appointment. See Hearing Summary, Exhibit 1.
6. On an unspecified date, the Department re-registered Claimant's FIP application and effective July 1, 2013, ongoing, she received FIP benefits. See Hearing Summary, Exhibit 1.
7. On July 16, 2013, Claimant filed a hearing request, disputing that she should receive FIP benefits from March 2013, ongoing. See Exhibit 1.

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.

Clients must complete a 21 day PATH application eligibility period (AEP) in order for their FIP application to be approved. 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.

In this case, on February 11, 2013, Claimant applied for FIP benefits. See Hearing Summary, Exhibit 1. On February 13, 2013, the Department sent Claimant a PATH Appointment Notice instructing the Claimant to attend the PATH orientation on March 4, 2013. See Hearing Summary, Exhibit 1. Claimant attended the PATH appointment. See Hearing Summary, Exhibit 1. On March 12, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP application was denied effective March 1, 2013, ongoing, due to her failure to attend the PATH orientation. Exhibit 1. On an

unspecified date, the Department discovered that Claimant's FIP application was denied in error because she attended her PATH appointment. See Hearing Summary, Exhibit 1. On an unspecified date, the Department reregistered Claimant's FIP application and effective July 1, 2013, ongoing, she received FIP benefits. See Hearing Summary, Exhibit 1. On July 16, 2013, Claimant filed a hearing request, disputing that she should receive FIP benefits from March 2013, ongoing. See Exhibit 1.

At the hearing, the Department agreed that it denied Claimant's FIP application dated February 11, 2013, in error. Thus, the Department agreed to reprocess the FIP application.

Based on the foregoing information and evidence, the Department improperly denied Claimant's FIP application effective March 1, 2013, ongoing. The Department agreed that the FIP application was denied in error and it agreed to reprocess her FIP application.

DECISION AND ORDER

Accordingly, the Department's FIP decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister the February 11, 2013, FIP application;
2. Begin reprocessing the application/recalculating the FIP budget from March 1, 2013, ongoing, in accordance with Department policy;
3. Issue supplements to Claimant for any FIP she was eligible to receive but did not from March 1, 2013, ongoing; and
4. Notify 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: November 6, 2013

Date Mailed: November 6, 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

EJF/cl

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