

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201333168
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: April 3, 2013
County: Wayne County (#19)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

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 conducted from Detroit, Michigan on Wednesday April 3, 2013. The Claimant appeared and testified. Participants on behalf of Department of Human Services (Department) included [REDACTED] (Eligibility Specialist) and [REDACTED] (Assistant Payment Supervisor).

ISSUE

Whether the Department properly closed Claimant's for cash assistance ("FIP") benefits for non-compliance with employment related activities?

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 January 2, 2013, the Department received the Claimant's application for FIP benefits.
2. On January 16, 2013, the Department sent a Work Participation Program Appointment Notice instructing the Claimant to attend the Partnership Accountability Training Hope (PATH) program orientation on January 29, 2013. (Exhibit 3)
3. The Claimant did not attend the Work First/PATH appointment.

4. On February 6, 2013, the Department sent Claimant Notice of Case Action that her FIP application was denied for failure to attend PATH program orientation. (Exhibit 2)
5. On February 28, 2013, the Department received Claimant's written hearing request disputing the action.

CONCLUSIONS OF LAW

The Department of Human Services (DHS) 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) is temporary cash assistance to support a family's movement to self sufficiency.. It 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.

The Department requires that all work eligible individuals ("WEI"), and non-WEIs, engage in employment and/or self-sufficiency-related activities to increase their employability and obtain employment. BEM 233A (January 2013), p. 1. At application, all non-deferred clients are referred to the PATH program and must complete 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. Failure to complete all three components of the AEP which include beginning the AEP by the last date to attend; completing PATH AEP requirements; and continue to participate in PATH after completion of the 21 day AEP will result in denial of the FIP application. BEM 229, p. 1. Clients must engage in and comply with all PATH assignments while the FIP application is pending. BEM 229, p. 5. The Department's system will automatically deny FIP benefits for non-compliance while an application is pending. BEM 229, p. 5.

In this case, the Claimant did not attend the PATH orientation appointment, as scheduled, on January 29, 2013. She testified that she left a message for the worker after the scheduled time of the PATH appointment stating that her purse was stolen the evening before and she was at the police station all evening. In addition, Claimant asserts that she attends school full-time as another reason for not attending PATH. Claimant did not present any documentation, such as a police report or statement to the Department worker or at Hearing to substantiate her reason for not attending the PATH orientation. According to the testimony of the Department representative, there was no record of the Claimant scheduling an appointment to speak with the worker or the worker's supervisor to discuss the matter prior to the hearing. As a result of the

Claimant's failure to complete the 21 day AEP period, as required, the Department denied the FIP application. The evidence is insufficient to support a finding that the Claimant had a good cause reason for failing to complete the 21 day AEP application period that includes attending PATH orientation. Based on the evidence on record, the Department established it acted properly when it denied the Claimant's FIP application on February 6, 2013 for failure to attend the PATH program.

Accordingly, the Department's action is upheld.

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 acted in accordance with policy when it denied the Claimant's January 2, 2013 application for FIP benefits for failure to attend the PATH program orientation as required.

Accordingly, the Department's FIP determination is hereby, **AFFIRMED**.



MICHELLE HOWIE
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 4/10/2013

Date Mailed: 4/10/2013

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:

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- 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

MH/hw

cc:

