

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-33687
Issue No.: 1021
Case No.: [REDACTED]
Hearing Date: April 8, 2013
County: Wayne (82-18)

ADMINISTRATIVE LAW JUDGE: Eric J. 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 April 8, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED]

ISSUE

Whether the Department properly denied Claimant's January 9, 2013, 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. Claimant applied for FIP benefits on January 9, 2013.
2. On January 24, 2013, the Department sent Claimant a Partnership. Accountability. Training. Hope. (PATH) Appointment Notice instructing Claimant to attend the PATH orientation on February 4, 2013. (Exhibit 4)
3. Claimant contacted the Department after the February 4, 2013, appointment and stated she could not attend the orientation.

4. The Department then rescheduled Claimant's orientation and required her to attend a PATH orientation on February 11, 2013.
5. Claimant did not attend the PATH orientation on February 11, 2013.
6. On February 7, 2013, the Department sent Claimant a PATH Appointment Notice instructing Claimant to attend a PATH orientation on February 19, 2013. (Exhibit A)
7. Claimant attended the PATH orientation scheduled for the week of February 17, 2013, through February 23, 2013. (Exhibit B)
8. On February 25, 2013, the Department sent a Notice of Case Action to the Claimant informing her that her FIP application was denied based on the failure to attend the PATH orientations. (Exhibit 5)
9. On March 7, 2013, Claimant filed a hearing request concerning 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 1999 AC, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3001 through Rule 400.3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, R 400.3151 through Rule 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, R 400.5001 through Rule 400.5015.

Direct Support Services (DSS) is administered by the Department pursuant to MCL 400.57a, *et. seq.*, and Mich Admin Code R 400.3603.

Additionally, the February 25, 2013, Notice of Case Action sent to Claimant notified her that her FIP application was denied based on her failure to attend the PATH orientations. (Exhibit 5)

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, in order for clients to receive approval for a FIP application, they must complete a 21-day PATH application eligibility period (AEP). BEM 229 (January 2013), p. 1. PATH participants must complete all of the following in order for their FIP application to be approved: (1) begin the AEP by the last date to attend as indicated on the DHS-4785, PATH Appointment Notice; (2) complete PATH AEP requirements; and (3) 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.

In this case, Claimant applied for FIP benefits on January 9, 2013. The Department referred Claimant for a PATH orientation on February 4, 2013. Claimant never attended the PATH orientation on February 4, 2013. The Department testified that Claimant contacted the Department on February 7, 2013, stating that she could not attend the orientation because she moved. Claimant testified that she contacted the Department on February 5, 2013, stating that she could not attend because she did not have child care. The Department then rescheduled Claimant for a PATH orientation on February 11, 2013. Claimant never attended the PATH orientation on February 11, 2013. On February 25, 2013, the Department denied Claimant's FIP application based on the failure to attend the PATH orientations.

At the hearing, Claimant presented as evidence a DHS-4785, PATH Program Appointment Notice, dated February 7, 2013. (Exhibit A) The PATH Appointment Notice required Claimant to attend the orientation on February 19, 2013. The Department testified that it could not confirm whether it sent the February 7, 2013, PATH Appointment Notice. Nevertheless, Claimant credibly testified that Claimant's witness (WEI in FIP group) and Claimant attended the PATH orientation scheduled for the week of February 17, 2013, through February 23, 2013. Claimant also presented as evidence a "PATH WEEK 1 Assignment Plan—21-Day Application Eligibility Period" document dated February 19, 2013, which showed that Claimant's witness (WEI in FIP group) attended the PATH orientation. (Exhibit B) This document indicated that the FIP group attended the February 19, 2013, orientation as required by the February 7, 2013, PATH Appointment Notice. BEM 229, p. 5. The Department testified that it did not know whether the WEI FIP group attended the appointment. In light of the foregoing, Claimant presented evidence and credible testimony that she properly completed the PATH assignment by attending the orientation. BEM 229, p. 1. Thus, the Department did not act in accordance with Department policy when it denied Claimant's FIP application based on a failure to attend the PATH orientations.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly denied Claimant's application improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case

for: AMP FIP FAP MA SDA.

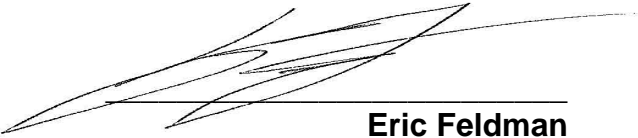
DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated above and on the record, finds that the Department
 did act properly. did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA decision is
 AFFIRMED REVERSED for the reasons stated above and 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 re-register and initiate processing the January 9, 2013, FIP application, to include that the FIP group attended the PATH orientation in accordance with Department policy;
2. The Department shall supplement for FIP benefits that Claimant was entitled to receive if otherwise eligible and qualified based on the January 9, 2013, application in accordance with Department policy; and
3. The Department shall notify Claimant of the FIP determination in accordance with Department policy.



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

Date Signed: April 9, 2013

Date Mailed: April 9, 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:
 - 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

2013-33687/EJF

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

EJF/pf

cc:

