

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201338890
Issue No.: 1015
Case No.: [REDACTED]
Hearing Date: April 29, 2013
County: Wayne County (#57)

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 on Monday, April 29, 2013, from Detroit, Michigan. The Claimant appeared and testified. Participants on behalf of Department of Human Services (Department) included [REDACTED] (Assistant Payment Worker) and [REDACTED] (Assistant Payment Supervisor).

ISSUE

Whether the Department properly processed the Claimant's application for cash assistance (FIP)?

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 8, 2013, the Department received the Claimant's application for FIP benefits with a group size of seven.
2. The Department sent the Claimant to the Partnership Accountability Training Hope (PATH) program as a mandatory PATH participant.
3. On March 28, 2013, the Claimant completed the 21 day Application Eligibility Period (AEP) with the PATH program.

4. On April 1, 2013, the Department approved the Claimant's FIP application in the amount of \$452.50 for March 2013 and \$905.00 effective April 1, 2013, and ongoing.
5. On April 1, 2013, the Department received Claimant's written hearing request concerning the effective eligibility date for FIP benefits and the benefit amount for March 2013.

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.

For FIP purposes, initial benefits are to begin in the pay period the application becomes 30 days old, provided the group meets all eligibility requirements. If the application becomes 30 days old and the group has not met all eligibility requirements, the Department will begin the initial benefits the first pay period when the group meets the requirements. BAM 115 (January 2013), p. 20.

In this case, the Claimant is a mandatory PATH participant. As a result she was required to complete the 21 day PATH application period before benefits could be approved. Here, Claimant did not complete the AEP period until March 28, 2013, which

was after the FIP application (February 8, 2013) became 30 days old. The Department approved the Claimant for benefits the first pay period she met the eligibility requirement which was the second half of March 2013. According to policy Claimant was eligible for prorated benefits for the second half of March 2013 in the amount of \$452.50 and full monthly benefits (\$905.00) was to begin April 1, 2013. Claimant did not dispute the amount of the FIP allotment. She argues that she should have received a prorated benefit amount for the second half of February 2013, and full benefits to begin March 1, 2013. Notably, policy changed as of January 1, 2013 which requires the completion of the 21 day AEP period before FIP benefits can be approved. Based on the evidence on record, the Department established it acted in accordance with policy when it processed the Claimant's February 8, 2012 FIP application and determined that initial benefits would begin the second pay period in March 2013.

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 in regards to the processing of the Claimant's February 8, 2013 FIP application.

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



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

Date Signed: 5/6/2013

Date Mailed: 5/6/2013

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

MH/hw

cc:

