

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-43226
Issue No.: 1021
Case No.: [REDACTED]
Hearing Date: May 23, 2013
County: Wayne (82-43)

ADMINISTRATIVE LAW JUDGE: Eric 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 May 23, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

Whether the Department properly denied Claimant's March 14, 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 March 14, 2013.
2. On March 14, 2013, the Department sent Claimant a Partnership. Accountability. Training. Hope. (PATH) Appointment Notice instructing Claimant to attend the PATH orientation on March 25, 2013. Exhibit 1.
3. Also, on March 14, 2013, the Department sent Claimant a Family Automated Screening Tool (FAST) to be completed within thirty (30) days of the notice. Exhibit 1.

4. Claimant did not attend the PATH orientation scheduled on March 25, 2013.
5. On April 15, 2013, the Department sent a Notice of Case Action to Claimant informing her that her FIP application was denied based on the failure to attend the PATH orientation.
6. On April 22, 2013, Claimant filed a hearing request concerning the denial of her FIP application. Exhibit 1.

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.

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.

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.

Additionally, the Department sends the clients a FAST FSSP notice (DHS-1535, FAST Referral Notice or DHS-1536, FAST Mandatory Notice) to all WEIs and non-WEIs upon completion of the intake interview and after worker runs the eligibility determination/benefit calculation (EDBC) in the system. BEM 229, p. 4. 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 March 14, 2013. The Department referred Claimant for a PATH orientation on March 25, 2013. Exhibit 1. Claimant never attended the PATH orientation on March 25, 2013. The Department testified that it never received any contact from Claimant regarding any request to reschedule her PATH orientation. Thus, on April 15, 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 orientation.

At the hearing, Claimant testified she never received the PATH Appointment Notice. Claimant testified that she changed her address on the March 14, 2013, FIP application.

Claimant agreed that before her March 14, 2013, application, all of her Department correspondence was being sent to her local Department office. The Department testified that Claimant did not change her address until she reapplied for FIP benefits on April 15, 2013; however, the Department did not submit support documentation to establish its position. Claimant testified that she contacted the Department approximately three times at the end of March to receive a status on her FIP application without any success.

Based on the foregoing information and evidence, the Department improperly denied Claimant's FIP application. Claimant credibly testified that she updated her address on the March 14, 2013, application. The Department was unable to rebut Claimant's testimony at the time of the hearing. Additionally, the Department was unable to provide a copy of Claimant's application at the time of hearing. Therefore, the Department improperly denied Claimant's March 14, 2013, FIP application in accordance with Department policy.

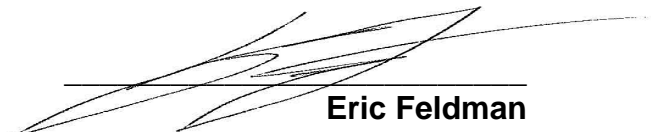
DECISION AND ORDER

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. Re-register and initiate processing the March 14, 2013 FIP application;
2. Re-send Claimant a PATH Appointment Notice to the updated address;
3. Supplement for FIP benefits that Claimant was entitled to receive if otherwise eligible and qualified based on the March 14, 2013, application, in accordance with Department policy; and
4. 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: May 30, 2013

Date Mailed: June 3, 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 affect 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

EJF/pf

cc:

