

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2013 49835
Issue No.: 1038
Case No.: ██████████
Hearing Date: July 22, 2013
County: Oakland (02)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 July 22, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Jet Case Manager, ██████████ ██████████ PATH Coordinator, and ██████████ Assistant Manager, PATH Program, and ██████████ PATH Case Manager.

ISSUE

Did the Department properly deny the Claimant's application for FIP cash assistance?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant applied for FIP on January 7, 2013.
2. The Claimant was assigned to attend the PATH program and attended on the week of February 19, 2013 and February 25, 2013.
3. The Claimant advised her case worker that she moved on February 22, 2013 and was advised that she would get a letter reassigning her to attend the PATH program in her new district.
4. The Claimant did not receive a letter reassigning her to attend the PATH program at a new location.

5. The Claimant completed 3 weeks, 21 days, of PATH participation and continued to volunteer and job search after she moved. The Claimant did not fail to comply with the hour requirements of the original PATH program she attended.
6. The Claimant moved on February 22, 2013 and advised her caseworker of the move on February 22, 2013.
7. On March 4, 2013 the Department denied the Claimant's FIP application for failure to complete the 21 days of her assigned PATH program.

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 Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Additionally, in this case the Claimant was assigned to attend the PATH program and completed community service the first week she was assigned (2/19/13) and the second week she completed community service and moved (2/25/13). The Claimant advised the Department that she moved prior to the start of the second week and was told that her case would be transferred and she would receive a letter of reassignment. Apparently the Department did not advise the PATH program of the move until March 4, 2013 at which time the PATH program advised the Claimant had not completed the PATH requirements for the two week period and the Department denied the Claimant's application. The Claimant did continue to complete volunteer services even after she moved and was also attending college taking 2 credits that were acknowledged by the PATH program to be the equivalent of 12 hours.

The Department improperly closed the case because the Claimant's failure to attend PATH was due to moving, not because she was ignoring her responsibilities. Once the Claimant was told that she would be given notice to attend PATH at some other location, the application should have been pended not closed. Had she been promptly reassigned she could have completed the 21 day period of PATH attendance. The Claimant advised the PATH program that she was attending and completing the volunteer services as she had originally advised and continued to complete volunteer services through the week of March 4, 2013 for another 25 hours, this volunteer work also included job search. Claimant Exhibit 1-3. The PATH program also advised the Claimant by email that the Claimant was to continue to attend and volunteer and report to the PATH program on March 4, 2013 even though she had moved. See Claimant Ex

3. Under these facts I find the Claimant did complete 21 days of PATH participation after completing her volunteering and job search of 25 hours the week beginning March 4, 2013 and the Claimant's case should not have closed.

BEM 229 provides: Completion of the 21 day PATH application eligibility period (AEP) part of orientation which is an eligibility requirement for approval of the FIP application. 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.

Continue to participate in PATH after completion of the 21 day AEP.

Deny the FIP application if an applicant does not complete all of the above three components of the AEP. BEM 229, pp.1, (1/1/13)

Based upon the evidence presented it is determined that the Claimant's participation was in compliance with the PATH program as she continued to volunteer and job search even after she moved and even though the Department did not complete a reassessment for the Claimant to attend PATH and thus the requirements of BEM 229 are met.

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

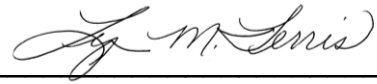
did act properly when

did not act properly when the Department closed the Claimant's FIP case on March 4, 2013 for failure to comply and meet the 21 day PATH requirements.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated 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 the Claimant's January 7, 2013 FIP application and determine Claimant's FIP eligibility as of March 9, 2013, the date she completed 21 days of (3 weeks) of volunteer work, and determine FIP eligibility.
2. If the Claimant is deemed eligible, the Department shall supplement the Claimant for FIP benefits, if any she was otherwise entitled to receive in accordance with Department policy.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 31, 2013

Date Mailed: July 31, 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,
 - 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

LMF/cl

cc: [REDACTED]
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