

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

IN THE MATTER OF:



Reg. No.: 2013-55252
Issue No.: 1010
Case No.: [REDACTED]
Hearing Date: July 29, 2013
County: Wayne DHS (76)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 29, 2013, from Detroit, Michigan. Participants included the above-named claimant. [REDACTED] testified and appeared as Claimant's authorized hearing representative. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Supervisor.

ISSUE

The issue is whether DHS properly failed to process Claimant's Family Independence Program (FIP) eligibility.

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 5/2/13, Claimant applied for FIP benefits.
2. On two different dates in 5/2013, DHS sent Claimant a PATH appointment notice, both of which listed an incorrect PATH address for Claimant to attend.
3. On 6/19/13, DHS mailed Claimant a PATH Appointment Notice (Exhibit 1) informing Claimant of an appointment date on 6/21/13.
4. On 6/21/13, Claimant attended PATH but was turned away because of DHS problems with data exchanges.

5. On 6/24/13 and 7/1/13, DHS mailed Claimant a PATH Appointment Notice (see Exhibits 2-3).
6. Claimant updated her address shortly after 6/24/13 and 7/1/13, thereby requiring DHS to mail Claimant an updated PATH Appointment notice to reflect Claimant's updated address.
7. On 6/25/13, Claimant requested a hearing to dispute the DHS failure to issue FIP benefits.

CONCLUSIONS OF LAW

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. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The present case concerned a FIP application. Claimant's Request for Hearing noted that Claimant applied in 4/2013 but it was not disputed at the hearing that the application was submitted to DHS on 5/2/13.

Claimant gave testimony implying that she also wished to dispute a FIP denial related to an application from 1/2013. Claimant's hearing request failed to note any dispute concerning an application from 1/2013. Claimant's failure to note a dispute in her written hearing request of the 1/2013 application properly prevents her from administrative resolution of the dispute. Thus, this decision will focus only on the application dated 5/2/13.

DHS presented testimony that Claimant's application dated 5/2/13 was not yet processed. DHS contended that the application was not processed because Claimant had not yet completed a 21 day period of PATH attendance.

Completion of the 21 day PATH application eligibility period (AEP) part of orientation which is an eligibility requirement for approval of the FIP application. BEM 229 (1/2013), 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.
 - Continue to participate in PATH after completion of the 21 day AEP.
- Id.*

DHS is to deny the FIP application if an applicant does not complete all of the above three components of the AEP.

It was not disputed that Claimant failed to attend 21 days of PATH. Based on the above policy, it can be reasonably contended that DHS properly had not issued FIP benefits to Claimant. There is another policy to consider.

DHS has specific timeframes, called standard of promptness (SOP), to process applications. The SOP begins the date the department receives an application/filing form, with minimum required information. BAM 115 (5/2013), p. 12. DHS is to certify FIP program approval or denial of the application within 45 days. *Id.*

As of the date of hearing, DHS has not yet processed Claimant's application dated 5/2/13. Thus, it had been approximately 76 days since Claimant applied for FIP benefits and DHS has still not processed the application. It was not disputed that the delay was in large part due to DHS errors. On two occasions, DHS sent Claimant to an improper address for PATH orientation and on a third occasion, Claimant attended PATH orientation, but was turned away because the DHS computer system improperly failed to list Claimant as a scheduled attendee. Additional delay was created when Claimant reported a change of address shortly after DHS mailed two different PATH appointment notices in 6/2013.

The presented evidence established that Claimant has not technically met her PATH attendance requirements, partially, because of multiple DHS errors and partially due to multiple relocations. The evidence also established that DHS failed to comply with standard of promptness requirements. Because of the repeated DHS errors, the failure to timely process Claimant's application is deemed to be more problematic than Claimant's failure to attend PATH for 21 days. Accordingly, the below order addresses the failure by DHS to timely process Claimant's FIP application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to process Claimant's FIP benefit application. It is ordered that DHS process Claimant's FIP application dated 5/2/13. The actions taken by DHS are REVERSED.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 8/7/2013

Date Mailed: 8/7/2013

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

CG/hw

cc:

