

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

**IN THE MATTER OF:**

██████████  
████████████████████  
████████████████████

Reg. No.: 2013 58466  
Issue No.: 1038  
Case No.: ██████████  
Hearing Date: August 15, 2013  
County: Wayne (35)

**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 August 15, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ PATH Specialist.

**ISSUE**

Did the Department properly deny the Claimant's FIP application for failure to attend the PATH Orientation?

**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 cash assistance on May 20, 2013.
2. The Department assigned the Claimant and her partner to attend PATH orientation on June 17, 2013. Exhibit 2
3. The Claimant provided a Disability Certificate on June 17, 2013 to the Department indicating that her partner, ██████████ could not work. No deferral was processed for ██████████.
4. The Claimant attended the orientation appointment; the Claimant's partner, ██████████ also attended orientation and had foot surgery after orientation.

5. The Claimant provided proof from her doctor that she was on bed rest to the Department.
6. The Department did not speak to the PATH program to determine if the Claimant failed to attend the PATH Program.
7. The Claimant provided the Department a note from her doctor and her hospital attendance on [REDACTED] [REDACTED] [REDACTED] and a Certificate of Disability for [REDACTED] [REDACTED]
8. The Department denied the FIP application for Claimant's failure to attend Work First on July 3, 2013. The Notice of Case Action submitted at the hearing indicated the application was denied [REDACTED] Not Eligible, receives SSI. The Notice indicated that no group individual was eligible and did not meet the criteria for being in the group. Exhibit 1.
9. The Claimant gave birth by caesarean section on [REDACTED], [REDACTED] after being assigned the PATH program. The Claimant advised the Department at application that she was on bed rest.
10. The Claimant requested a hearing on July 11, 2013 protesting 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 Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Additionally, at the hearing it was determined that the Department improperly denied the Claimant's May 20, 2013 application for two reasons. The Department improperly determined that the Claimant and her partner did not attend PATH orientation, as they did, as evidenced by letters showing they attended on June 17, 2013 and further based upon the presentation of a doctor's certificate that the Claimant's partner should have been deferred from attending the PATH program pending MRT approval. The Claimant credibly testified that she provided a Certificate of Disability to the Department with a letter from her doctor and proof of hospital admission to the Department on June 19, 2013, prior to the denial of the application. As the Department did not have the case file at the hearing, the Department did not rebut the Claimant's credible testimony that she provided a letter from her doctor and proof that she was in the hospital on [REDACTED],



A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

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

LMF/cl

cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]