

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-66908
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: October 9, 2013
County: Wayne (82-19)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 9, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant's 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 6, 2013.
2. The Department sent Claimant a Notice of Case Action on March 29, 2013, denying her March 6, 2013, application because she did not attend the PATH program.
3. Claimant reapplied for FIP benefits on June 11, 2013.
4. On June 19, 2013, the Department sent Claimant a PATH Appointment Notice to a [REDACTED] address in [REDACTED] requiring Claimant to attend the PATH orientation on July 1, 2013.

5. Claimant did not attend the PATH orientation.
6. On July 26, 2013, the Department sent Claimant a Notice of Case Action denying her June 11, 2013, application because she did not attend the PATH program.
7. On July 26, 2013, Claimant reapplied for FIP benefits and was approved in an August 19, 2013, Notice of Case Action.
8. On September 3, 2013, Claimant filed a hearing request disputing the Department's failure to issue benefits as of her March 2013 application.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

Additionally, at the hearing, the Department established that, although Claimant received FIP benefits effective August 19, 2013, after her July 26, 2013, application was approved, she was denied benefits for applications submitted on March 6, 2013, and June 11, 2013. In her September 3, 2013, hearing request, Claimant sought FIP benefits from the date of her March 6, 2013, application. At the hearing, the Department testified that it sent Claimant a March 29, 2013, Notice of Case Action denying the March 6, 2013, application. Because Claimant's hearing request in this matter was filed on September 3, 2013, more than 90 days after the date of the Department's March 29, 2013, Notice of Case Action denying the March 6, 2013, FIP application, Claimant's hearing request was not timely filed with respect to the denial of that application and is, therefore, dismissed for lack of jurisdiction. BAM 600 (July 2013), p. 4. The hearing proceeded to address the Department's denial of Claimant's June 11, 2013, application.

In a July 26, 2013, Notice of Case Action, the Department denied Claimant's June 11, 2013, FIP application because Claimant had failed to attend the PATH program orientation. A client's FIP application cannot be approved until the client completes the 21-day PATH application eligibility period (AEP) part of orientation. BEM 229 (January 2013), p. 1. This requires that the client (1) begin the AEP by the last date to attend indicated on the PATH Appointment Notice, (2) complete the PATH AEP requirements, and (3) continue to participate in PATH after completion of the 21-day AEP. BEM 229, p. 1. Failure by a client to participate fully in PATH-assigned activities while the FIP application is pending will result in denial of FIP benefits. BEM 229, p. 5.

In this case, the Department established that it sent Claimant a PATH Appointment Notice on June 19, 2013, requiring her to attend a PATH orientation on July 1, 2013. Claimant admitted that she did not attend the PATH orientation. Although Claimant noted that the address to which the Notice was sent was the Department's Washtenaw office, the Department established that Claimant used that address as her mailing address in her application. A client is allowed to use the local office address as a mailing address. BEM 220 (March 2013), pp. 2-3. However, a client is responsible for cooperating with the Department to determine initial and ongoing eligibility. BAM 105 (March 2013), p. 5. In this case, Claimant admitted that she did not go to the Washtenaw office between June 19, 2013, and July 1, 2013, to retrieve her mail. Under these facts, Claimant has failed to rebut the presumption that she received a properly addressed notice sent to her by the Department in the Department's ordinary course of business. See *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270, 275-278 (1976).

Claimant also contended during the hearing that she was unable to participate in the PATH program because of pregnancy-related issues. A client may request a deferral from PATH due to pregnancy complications, but the client must provide medical verification that indicates that she is unable to participate. BEM 230A (January 2013), p. 7. In this case, Claimant failed to establish that, before her application was denied, she provided any documentation to the Department verifying that she was unable to participate in the PATH program due to her pregnancy or that she even informed the Department that she was unable to participate due to her pregnancy. Although Claimant indicated during the course of the hearing that she had some domestic violence issues she was dealing with, she admitted that she had not advised the Department of these issues. Accordingly, she was not eligible for a deferral for reasons of domestic violence. See BAM 230A, p. 7.

Because Claimant did not participate in the PATH orientation and did not present verification justifying a deferral from participation based on her pregnancy or domestic violence, the Department acted in accordance with Department policy when it denied Claimant's FIP application.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: October 15, 2013

Date Mailed: October 15, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

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

ACE/pf

cc:

