

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2014-19919  
Issue No(s): 1008  
Case No.: [REDACTED]  
Hearing Date: January 29, 2014  
County: Lapeer County DHS

**ADMINISTRATIVE LAW JUDGE:** Colleen Lack

**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 January 29, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] PATH Worker, and [REDACTED] Family Independence Manager.

**ISSUE**

Did the Department properly deny the Claimant's November 20, 2013 Family Independence Program (FIP) application based on failure to attend the in Partnership Accountability Training Hope (PATH) program 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. On November 20, 2013, the Claimant applied for FIP.
2. The Claimant submitted a DHS-54A Medical Needs form completed by her doctor on November 26, 2013 that stated the Claimant was able to work.
3. On November 22, 2013, the Department sent the Claimant a DHS-54E Medical Needs-PATH form so she could provide updated verification for her claim of disability.
4. The DHS-54E Medical Needs-PATH form was not returned.

5. On December 3, 2013, a PATH Appointment Notice was issued to the Claimant for a December 11, 2013, appointment and noted that PATH must be attended within 15 days of this notice.
6. On or about December 12, 2013, the Claimant's FIP application was denied based on failure to attend the PATH program orientation.
7. On January 2, 2013, the Claimant filed a request for hearing contesting the Department's action regarding FIP.

### **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 MC L 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

FIP is temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency related activities so they can become self-supporting. Federal and state laws require each work eligible individual in the FIP group to participate in Partnership. Accountability. Training. Hope. (PATH) or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230 A

Completion of the 21 day PATH application eligibility period (AEP) part of orientation 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. The Department is to deny the FIP application if an applicant does not complete all of the above three components of the AEP. BEM 229.

Bridges automatically issues the DHS-4785, PATH Program Appointment Notice at application. In generating a PATH referral and the DHS-4785 PATH Appointment Notice, Bridges will allow 6 days for the PATH referral to be processed through Central Print before requiring the client to attend PATH. BEM 229.

However, the Department is to temporarily defer an applicant who has identified barriers that require further assessment or verification before a decision about a lengthier deferral is made, such as clients with serious medical problems or disabilities or clients caring for a spouse or child with disabilities. Clients should not be referred to orientation

and PATH AEP until it is certain that barriers to participation such as lack of child care or transportation have been removed, possible reasons for deferral have been assessed and considered, and disabilities have been accommodated. BEM 229

At intake, redetermination or anytime during an ongoing benefit period, when an individual claims to be disabled or indicates an inability to participate in work or PATH for more than 90 days because of a mental or physical condition, the client should be deferred in Bridges. Determination of a long-term disability is a three step process. The client must fully cooperate with the first two steps. The first step is establishment of disability. Once a client claims a disability he/she must provide DHS with verification of the disability when requested and the verification must indicate that the disability will last longer than 90 calendar days. If the verification is not returned, a disability is not established. The client will be required to fully participate in PATH as a mandatory participant. The second step is defining the disability. For verified disabilities over 90 days, the specialist must submit a completed medical packet and obtain a Medical Review Team (MRT) decision. The client must provide Department with the required documentation such as the DHS- 49 series, medical and/or educational documentation needed to define the disability. If the client does not provide the requested verifications, the FIP should be placed into closure for failure to provide needed documentation. The third step is referral to MRT. BEM 230 A.

In this case, the Claimant was properly referred to PATH when verification of disability was not established at step 1. The DHS-54A Medical Needs form completed by the Claimant's doctor on November 26, 2013 stated the Claimant was able to work. On November 22, 2013, the Department sent the Claimant a DHS-54E Medical Needs-PATH to provide updated verification for the Claimant's claim of disability. The DHS-54E Medical Needs-PATH form was not returned.

The Claimant explained that she had no insurance at the time, which affected her ability to see the doctor. Further, the Claimant indicated she had communication problems with the doctor that filled out the November 26, 2013 DHS-54A Medical Needs form. The Claimant is now seeing another doctor and is being worked up and treated for what is so far an undiagnosed condition.

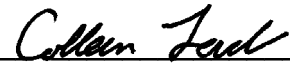
However, no verification was submitted to the Department establishing a disability for the November 20, 2013 FIP application. Accordingly, on December 3, 2013, a PATH Appointment Notice was issued to the Claimant for a December 11, 2013, appointment and noted that PATH must be attended within 15 days of this notice. The Claimant did not attend the December 11, 2013 appointment. Further, there was no evidence that the Claimant contacted the Department to reschedule and attend PATH within the 21 day AEP. The Claimant testified that her cell phone was shut off during this time. However, the evidence is clear that the Claimant did not attend PATH within the 21 day AEP. Therefore, the denial of the November 20, 2013 FIP application must be upheld.

If she has not already done so, the Claimant may wish to re-apply for FIP and provide medical verification of disability.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied the Claimant's November 20, 2013 FIP application.

**DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.



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Colleen Lack  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: February 7, 2014

Date Mailed: February 7, 2014

**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:

201419919/CL

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

CL/hj

cc:

