

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-19936
Issue No.: 1001
Case No.: [REDACTED]
Hearing Date: January 27, 2014
County: Wayne (82-57)

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 January 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Manager, and [REDACTED], Family Independence Specialist.

ISSUE

Did the Department properly calculate and issue Claimant's initial 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. On [REDACTED], 2013, Claimant applied for FIP benefits.
2. On [REDACTED], 2013, Claimant completed her 21-day PATH application eligibility period (AEP).
3. On [REDACTED] 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP application was approved and that she would receive a payment of \$201.50 for [REDACTED] 2013 and \$403 monthly for [REDACTED] 2014 ongoing.

4. On [REDACTED], 2013, Claimant filed a request for hearing disputing her initial FIP payment.

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, in a [REDACTED], 2013, Notice of Case Action, the Department notified Claimant that she was eligible for \$201.50 in FIP benefits for [REDACTED] 2013 and for \$403 monthly for [REDACTED], 2014, ongoing. Claimant requested a hearing concerning her initial FIP allotment.

At the hearing, the Department explained that Claimant was eligible for FIP benefits only after she completed her PATH AEP. Completion of the 21-day PATH AEP part of orientation is an eligibility requirement for approval of the FIP application. BEM 229 (July 2013), p. 1. In order to successfully complete the PATH AEP, a client must begin the AEP by the last date to attend as indicated on the PATH Appointment Notice, complete the PATH AEP requirements, and continue to participate in PATH after completion of the 21-day AEP. BEM 229, p. 1.

In this case, the Department testified that Claimant applied for FIP benefits on [REDACTED], 2013, was referred to a [REDACTED], 2013, PATH orientation, and had participated in and successfully completed the PATH AEP on [REDACTED], 2013.

BAM 115 (July 2013), p. 25, provides that if a group meets all FIP eligibility requirements, FIP assistance begins in the pay period in which the application becomes 30 days old, and if the application becomes 30 days old and the group has not met all FIP eligibility requirements, FIP assistance begins in the first pay period when it does.

Claimant's [REDACTED], 2013, FIP application became 30 days old on [REDACTED], 2013. Because she did not complete her AEP requirements until [REDACTED], 2013, Claimant was not eligible for FIP benefits at the time her application became 30 days old. Rather, she was eligible for FIP benefits for the first pay period she completed her AEP on [REDACTED], 2013. The first pay period she was eligible based on her completion of the PATH AEP was the period running from [REDACTED], 2013 to [REDACTED], 2013. The evidence established that Claimant received a payment of \$201.50 in [REDACTED] 2013, half of the amount she was eligible to receive in

subsequent months. Because Claimant was eligible for FIP benefits for only one pay period in ██████████ 2013, 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 calculated and issued Claimant's ██████████ 2013 FIP benefits.

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: January 29, 2014

Date Mailed: January 29, 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:

2014-19936/ACE

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

ACE/pf

cc:

