

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

IN THE MATTER OF:



Reg. No.: 2014-23022
Issue No(s): 1001
Case No.: [REDACTED]
Hearing Date: February 10, 2014
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 February 10, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included [REDACTED], Family Independence Specialist, and [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly deny Claimant's Family Independence Program (FIP) effective December 16, 2013, ongoing?

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 21, 2013, Claimant applied for FIP benefits.
2. Subsequent to the application, a Partnership. Accountability.Training.Hope. (PATH) Appointment Notice was never generated.
3. On January 10, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FIP application was denied effective December 16, 2013, ongoing, due to her failure to attend the PATH program orientation. See Exhibit 1.
4. On January 17, 2014, Claimant filed a hearing request, protesting the Department's action. See Exhibit 1.

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.

Preliminary matter

As a preliminary matter, Claimant also requested a hearing in which she disputed the Department's failure to process a previous administrative hearing decision. See Exhibit 1. The previous administrative hearing ordered the Department to reinstate Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) benefits back to October 7, 2013 and supplement for any missed benefits from the date. See Exhibit 1. Shortly after commencement of the hearing, it was discovered that Claimant is no longer disputing the FAP and MA issue from the previous administrative hearing decision. Thus, this hearing decision will only address Claimant's FIP benefits.

FIP application

Clients must complete a 21 day PATH application eligibility period (AEP) in order for their FIP application to be approved. BEM 229 (July 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; and continue to participate in PATH after completion of the 21 day AEP. BEM 229, p. 1. The Department denies the FIP application if an applicant does not complete all of the above three components of the AEP. BEM 229, p. 1.

The Department will automatically issue a DHS-4785, PATH Program Appointment Notice, at application, member add, or when a client loses a deferral to schedule an appointment for each mandatory PATH participant. BEM 229, p. 6. When assigned, clients must engage in and comply with all PATH assignments while the FIP application is pending. BEM 229, p. 6. PATH engagement is a condition of FIP eligibility. BEM 229, p. 6. Failure by a client to participate fully in assigned activities while the FIP application is pending will result in denial of FIP benefits. BEM 229, p. 6. The Department automatically denies FIP benefits for noncompliance while the application is pending. BEM 229, p. 6.

In this case, on November 21, 2013, Claimant applied for FIP benefits. Subsequent to the application, a PATH Appointment Notice was never generated. On January 10, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FIP application was denied effective December 16, 2013, ongoing, due to her failure to attend the PATH program orientation. See Exhibit 1. On January 17, 2014, Claimant filed a hearing request, protesting the Department's action. See Exhibit 1.

Additionally, the Department discovered that it denied the FIP application in error due to no PATH notice being generated. On January 24, 2014, Claimant was scheduled for a pre-hearing conference. See Exhibit 1. The Department then generated a PATH Appointment Notice instructing the Claimant to attend the PATH orientation on January 27, 2014. Exhibit 1. Claimant never attended her pre-hearing conference. Thus, the Department generated another PATH Appointment Notice (dated January 24, 2014), which instructed the Claimant to attend the PATH orientation on February 3, 2014. Exhibit 1. Claimant testified that she attended the PATH appointment on February 3, 2014 after she was notified by the Department via telephone. However, Claimant testified that the PATH program stated she was not located in the system and she did not complete the program. Claimant testified that she contacted the Department on February 3, 2014, notifying them of this information. The Department testified that it discovered this information at today's hearing. Ultimately, the Department testified that it has to resend another PATH Appointment Notice and if she completes the eligibility period, her benefits would be supplemented back from December 16, 2013.

Based on the foregoing information and evidence, the Department improperly denied Claimant's FIP benefits effective December 16, 2013, ongoing.

First, it should be noted that a majority of the actions occurred after Claimant's hearing request. However, the subsequent actions are relevant in this case and will be addressed due to Claimant's inability to attend the PATH program.

Second, the Department had appeared to correct its denial error when it re-registered the FIP application and sent Claimant another PATH notice on January 24, 2014 (two total). See Exhibit 1. However, Claimant credibly testified that she attended the PATH program on February 3, 2014; however, the PATH program stated she was not located in the system and she did not complete the program. At the hearing, the Department testified that it has to resend Claimant another PATH notice in order for her to complete the eligibility period. Nevertheless, it is found that the Department improperly denied Claimant's FIP application. The Department had first appeared to cure its FIP denial by resending a PATH notice on January 24, 2014; however, Claimant still has ongoing issues with her FIP application. Therefore, the Department will re-register and reprocess Claimant's FIP application dated November 21, 2013. Because the Department failed to send Claimant a PATH Notice in accordance with Department policy, it improperly denied her FIP application effective December 16, 2013, ongoing. See BEM 229, pp. 1-6.


DECISION AND ORDER

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 did not act in accordance with Department policy when it improperly denied Claimant's FIP application effective December 16, 2013, ongoing.

Accordingly, the Department's FIP decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Re-register the FIP application dated November 21, 2013 application;
2. Begin reprocessing the application/recalculating the FIP budget for December 16, 2013, ongoing, in accordance with Department policy;
3. Issue supplements to Claimant for any FIP benefits she was eligible to receive but did not from December 16, 2013, ongoing; and
4. Notify Claimant in writing of its FIP decision in accordance with Department policy.


Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 18, 2014

Date Mailed: February 18, 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:

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

EJF/tlf

cc:

