

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

IN THE MATTER OF:



Reg. No.: 14-005198
Issue No.: 3000, 1002, 1008
Case No.: [REDACTED]
Hearing Date: July 28, 2014
County: WAYNE-55 (HAMTRAMCK)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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, telephone hearing was held on July 28, 2014, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. [REDACTED] also appeared as a witness. Participants on behalf of the Department of Human Services (Department) included [REDACTED], FIS.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application close Claimant's case reduce Claimant's benefits for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> Child Development and Care (CDC)? |
| <input type="checkbox"/> Medical Assistance (MA)? | |

Due to a failure of the Claimant to attend the PATH Program orientation, did the Department properly deny the Claimant's FIP application?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Claimant applied for received:
FIP FAP MA SDA CDC
benefits.

2. Claimant was required to submit requested verification by 5/19/14 (new hire client notice (Demetrius Henderson). Exhibit 2
3. The Claimant was sent a PATH Appointment Notice dated 6/9/14 requiring her to attend the PATH orientation on 6/16/14. The Claimant Received the PATH Appointment Notice but did not attend. Exhibit 3
4. At the time of the hearing, the Claimant's application for Food Assistance was still pending and had not been denied by the Department.
5. On April 30, 2014, the Department
 - denied Claimant's application for FIP cash assistance Benefits.
 - closed Claimant's case.
 - reduced Claimant's benefits.
4. On May 27, 2014, the Department sent Claimant/Claimant's Authorized Representative (AR) notice of its action.
5. On June 17, 2014, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting the Department's action.

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), and Department of Human Services Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

Additionally, in this case the Department denied the Claimant's application for FIP cash assistance due to failure of the Claimant to attend the PATH orientation. The Claimant conceded that she received the Notice of PATH Appointment and chose not to attend. BEM 229. The Claimant also did not provide a properly completed New Hire Client Notice, which was returned without pay stubs and not signed by the employer. Both of these verifications were necessary to determine income eligibility and to determine the

amount of income received by the Claimant's fiancé so the proper benefit levels could be determined. The Department must deny an application for FIP benefits when the PATH appointment notice is received and the applicant fails to comply with all PATH assignments while the FIP application is pending. BEM 229, pp6 (7/1/13). Thus, the Department, on this basis alone acted in accordance with Department policy when it denied the Claimant's FIP application. In addition, it was clear from the evidence that the requested verifications regarding new employment by a group member were not completed and thus this failure to verify also formed a basis to deny the FIP application. BAM 130 (7/1/14)

As regards the Claimant's application for FAP benefits and her request for hearing regarding FAP benefits, at the time of the hearing, the Department had not denied the FAP application and it was still pending, therefore, there was no issue to be decided regarding the FAP application. As no issue was required to be decided, the Hearing Request is dismissed regarding the FAP application.

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

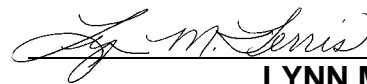
acted in accordance with Department policy when it denied the Claimant's FIP application.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.

The Claimant's request for hearing regarding the denial of the FAP application is DISMISSED as at the time of the hearing the application was still pending.



LYNN M. FERRIS

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

Date Signed: August 5, 2014

Date Mailed: August 6, 2014

LMF/tm

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

cc:

