

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

IN THE MATTER OF:



Reg. No.: 14-005777
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: September 15, 2014
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, an in-person hearing was held on September 15, 2014, from Detroit, Michigan. Participants included the above-named Claimant. [REDACTED] appeared as Claimant's legal counsel and authorized hearing representative (AHR). [REDACTED], Specialist, testified on behalf of the Department of Human Services (DHS).

ISSUES

The issue is whether DHS properly terminated Claimant's eligibility for Family Independence Program (FIP) due to Claimant's noncompliance with Partnership. Accountability. Training. Hope. (PATH) participation.

The second issue is whether Claimant is entitled to a hearing to dispute a denial of a PATH medical deferral.

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 was an ongoing FIP benefit recipient.
2. On [REDACTED], DHS mailed a Notice of Case Action informing Claimant of a FIP benefit termination, effective 7/2014, for the reason that Claimant was noncompliant with PATH participation.
3. As of [REDACTED], Claimant was medically deferred from PATH participation.

4. On [REDACTED], Claimant requested a hearing to dispute the FIP benefit termination.
5. On an unspecified subsequent date, DHS issued FIP benefits to Claimant from 7/2014 through the date of hearing, except for the period of [REDACTED].
6. On [REDACTED], DHS mailed a Medical Program Eligibility Notice (see Exhibit 3) informing Claimant that her request for PATH deferral was denied.

CONCLUSIONS OF LAW

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

Claimant requested a hearing to dispute a FIP benefit termination, effective 7/2014. It was not disputed that the termination was based on an alleged failure by Claimant to attend PATH.

DHS conceded that as of 6/12/14, the date that Claimant was found ineligible, Claimant should have been deferred from PATH participation due to medical reasons. After realizing their error DHS reinstated Claimant's FIP eligibility from 7/2014. DHS presented a Benefit Summary Inquiry (Exhibits 1-2) as proof of the reinstatement of Claimant's FIP eligibility. Claimant's AHR observed that DHS failed to reinstate Claimant's eligibility for the period of [REDACTED]. During the hearing, DHS conceded the error and agreed that Claimant was entitled to receive FIP benefits for the first half of 7/2014. The DHS concession is consistent with DHS policy and presented facts. DHS will be ordered to reinstate Claimant for FIP benefits for the period of [REDACTED].

Claimant's AHR was not yet satisfied with the administrative outcome. Claimant's AHR noted that DHS improperly sent Claimant to attend PATH on multiple occasions when Claimant should have been medically deferred. Claimant's AHR also disputed a determination that Claimant was found ineligible for medical deferral (see Exhibit 3).

The Michigan Administrative Hearing System may grant a hearing about any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits or services are provided.
- Delay of any action beyond standards of promptness.

- For Food Assistance Program benefits only, the current level of benefits or denial of expedited service.
BAM 600 (7/2014), pp. 4-5.

A denial of medical deferral and notices to attend PATH are not among the issues reviewable by an administrative hearing. This conclusion is further supported within DHS policy outlining the PATH medical deferral process.

When a deferral is not granted, it is not a loss of benefits, termination or negative action. BEM 230A (10/2013), p. 20. When a client requests a hearing based on not being granted a deferral, (DHS is to) be sure to advise the client at the pre-hearing conference and use the DHS 3050, Hearing Summary, to inform the administrative law judge the action did not result in a loss of benefits or services. *Id.* (DHS is to be) sure the client understands the time to file a hearing is once he/she receives a notice of case action for noncompliance. *Id.*

It was not disputed that DHS did not take any adverse action on Claimant's FIP eligibility following a denial of Claimant's medical deferral and mailings of notices scheduling Claimant for PATH participation. At some point, DHS may terminate Claimant's FIP eligibility. If or when DHS does terminate Claimant's FIP eligibility, Claimant will then be entitled to request a hearing to dispute the benefit termination.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant failed to establish a basis for hearing related to PATH orientation notices and a denial of medical deferral from PATH. Claimant's hearing request is **PARTIALLY DISMISSED**.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly processed Claimant's FIP eligibility from 7/2014. It is ordered that DHS process Claimant's FIP eligibility for the period of [REDACTED]. The actions taken by DHS are **REVERSED**.



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

Date Signed: **9/24/2014**

Date Mailed: **9/24/2014**

CG / hw

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:



