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

IN THE MATTER OF:			
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	14-011456 1008 October 8, 2014 Wayne (31-Grandmont)	
ADMINISTRATIVE LAW JUDGE: Michael J. Bennane			
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 October 8, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included			
<u>ISSUE</u>			
Did the Department properly \boxtimes deny Claimant's application \square close Claimant's case for:			
 ☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)? ☐ Adult Medical Assistance (AMP)? 			
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 ☑ applied for ☐ received: ☐ FIP ☐ FAP ☐ MA ☐ AMP ☐ benefits.	SDA CDC	□ DSS □ SSP	
2. On May 31, 2014, the Department sent Claimant a PATH appointment notice for an appointment on June 10, 2014.			

- 3. On July 10, 2014, the Department sent Claimant a notice of case action informing Claimant that her FIP application had been denied on June 16, 2014, for failure to attend PATH.
- 4. On September 5, 2014, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting the Department's actions.

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, 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.

At the hearing, Claimant testified that, on September 18, 2014, she had an appointment scheduled with her caseworker at the Grandmont office. When she arrived at the office and attempted to enter she was told by a guard the office was closed due to storm damage.

Claimant further testified that she never received the Department's PATH appointment notice.

This Administrative Law Judge finds Claimant's testimony to be credible based on the fact that the Grandmont office was closed on the date stated by Claimant and, further, based on the Department's inability to rebut any of Claimant's testimony.

The Administrative Law Judge, based upon 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

☐ did not act in accordance with Department policy when it
 ☐ failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Claimant's FIP application for failure to comply with the PATH appointment notice.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.	
🔀 REVERSED.	
AFFIRMED IN PART with respect to	and REVERSED IN PART with respect to

- 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. Reregister and process Claimant's FIP application and proceed with the normal procedure for FIP applications.

Michael J. Bennane
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 10/13/2014

Date Mailed: 10/13/2014

MJB / pf

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

