

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

IN THE MATTER OF:

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Reg. No.: 14-011487
Issue No.: 1008
Case No.: ██████████
Hearing Date: October 8, 2014
County: WAYNE (76)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 October 8, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Family Independence Specialist and ██████████, Hearing Facilitator/PATH Coordinator.

ISSUE

Did the Department properly deny Claimant's application for Family Independence Program (FIP) benefits for failure to attend the PATH program orientation?

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 FIP benefits on June 30, 2014.
2. Claimant was referred to the PATH program and completed the orientation process on or about August 1, 2014.
3. On August 12, 2014, the Department sent Claimant a Notice of Case Action notifying her that her application for FIP benefits had been denied for failure to cooperate with Office of Child Support.
4. On August 14, 2014, Claimant was placed into cooperation status with the OCS.
5. On August 15, 2014, Claimant applied for FIP benefits.

6. On August 28, 2014, the Department sent Claimant a PATH Appointment Notice instructing her to appear for PATH orientation on September 8, 2014.
7. Claimant arrived 15 minutes late to the PATH orientation and was not allowed to remain.
8. Claimant went to the office of her assigned worker in an effort to reschedule her appointment.
9. Claimant was unable to reach her worker and subsequently left a voicemail with her assigned worker's supervisor.
10. On September 18, 2014, the Department sent Claimant a Notice of Case Action notifying her that her application for FIP benefits had been denied for failure to attend the PATH program orientation.

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, 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.

On June 30, 2014, Claimant applied for FIP benefits. Department policy holds that completion of the 21 day PATH application eligibility period (AEP) part of orientation is an eligibility requirement for approval of the FIP application. BEM 229 (July 2013), p. 1. Further, a client is required to begin the AEP by the last date to attend as indicated on the DHS-4785, PATH Appointment Notice. *Id.* Claimant completed the AEP part of orientation and was in compliance with the PATH program. On August 12, 2014, the Department sent Claimant a Notice of Case Action notifying her that her application had been denied for failure to cooperate with the OCS. Claimant testified that she did not receive the Notice of Case Action. However, two days after the Notice of Case Action was sent, Claimant contacted a DHS office in Lansing, Michigan and learned that her application had been denied for failure to cooperate with the OCS. Claimant was provided the telephone number to the OCS. Claimant contacted the OCS and provided the requested information. As a result, Claimant was placed in cooperation status with the OCS on August 14, 2014.

On August 15, 2014, Claimant reapplied for FIP benefits. On August 28, 2014, the Department sent Claimant a PATH Appointment Notice which instructed her to appear for orientation on September 8, 2014 at 1:00 p.m. Claimant testified that upon receipt of the PATH Appointment Notice, she called her assigned worker to advise that she was unable to appear for the PATH orientation because she was attending school. Claimant stated that she called on more than one occasion but did not receive a return telephone call.

On September 8, 2014, Claimant appeared for the PATH orientation. However, Claimant arrived 15 minutes late. As a result, she was not allowed to remain. Claimant was instructed to go the office of her assigned worker to reschedule her PATH orientation. Claimant testified that she went directly to her assigned worker's office. Claimant stated that she requested to see her assigned worker. After some time had passed, Claimant requested to speak to her assigned worker's supervisor. Claimant was given the telephone number for the supervisor and left a message. Claimant stated that the supervisor's voicemail advised that she would not return to the office until September 15, 2014. The supervisor appeared at the hearing and confirmed that she was out of the office between September 8, 2014 and September 15, 2014.

The Department testified that the last date Claimant would have been eligible to begin the orientation was August 13, 2014. The Department further stated that the only day available for PATH orientation at Claimant's assigned location was Monday. Further, the Department stated that Claimant would not have been allowed to attend PATH orientation at any other location. Accordingly, once Claimant was late on September 8, 2014, there would not have been another opportunity for her to attend the PATH orientation without an extension. Claimant testified that she attends school Monday through Thursday and understands that she is required to provide proof of her schedule at the PATH orientation.

The PATH Appointment Notice instructed Claimant to call or appear within 15 days of the notice. The PATH Appointment Notice is dated August 28, 2014. Claimant's testimony that she made several unsuccessful attempts to reschedule her PATH orientation appointment with her assigned worker is found credible. This is especially in light of the testimony from the assigned worker's supervisor that she was out of the office as Claimant testified to after leaving a voicemail. Additionally, prior to the August 12, 2014 denial, Claimant had been compliant with the PATH program.

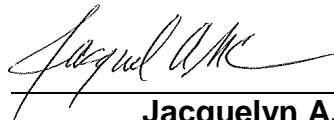
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with policy when it denied Claimant's August 15, 2014 application for FIP benefits for failure to attend the PATH program orientation.

DECISION AND ORDER

Accordingly, the Department's 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. Reregister and reprocess Claimant's August 15, 2014 application for FIP benefits;
2. Issue supplements to Claimant relating to her August 15, 2014 application for FIP benefits; and
3. Notify Claimant in writing with a Notice of Case Action of its decision.



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **10/14/2014**

Date Mailed: **10/14/2014**

JAM / cl

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:

[REDACTED]