

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

IN THE MATTER OF:



Reg. No.: 14-013080
Issue No.: 1001
Case No.:
Hearing Date: November 05, 2014
County: SAGINAW

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 November 5, 2014, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator and PATH Triage Coordinator .

ISSUE

Did the Department properly deny Claimant's July 11, 2014, Family Independence Program application for failure to participate in PATH?

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 July 11, 2014, Claimant submitted an application for Family Independence Program benefits.
2. On August 25, 2014, Claimant attended the AEP/Working Orientation at PATH and was given a Partnership, Accountability, Training, Hope (PATH) Appointment Notice (DHS-4785 form) for the first time.
3. On September 5, 2014, Claimant met with her PATH AEP career manager. Claimant provided current paystubs, a new Email address and her Week 1 written assignment. Claimant was scheduled for a September 12, 2014, appointment.
4. On September 12, 2014, Claimant contacted her PATH AEP career manager by telephone and reported an employment change. Claimant was mailed an employment verification which was due on September 16, 2014.
5. On September 15, 2014, Claimant came in to see her PATH AEP career manager. Claimant submitted her Week 2 written assignment.

6. On September 16, 2014, Claimant did not submit verification of her employment to PATH.
7. On September 18, 2014, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Family Independence Program application was denied for failure to complete the entire PATH orientation process.
8. On September 18, 2014, Claimant submitted a hearing request.

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.

In this case, Claimant submitted a Family Independence Program application on July 11, 2014. Bridges Administration Manual (BAM) 115 Application Processing page 15, under Standards of Promptness states:

FIP Only

Upon immediate receipt of the FIP application, the specialist must run the FIP Eligibility Determination Group (EDG) in Bridges to timely generate an automated Partnership. Accountability. Training. Hope. (PATH) referral, as well as the DHS-4785, PATH Appointment Notice, to the client. While the specialist should run the FIP EDG immediately, this must be completed within five days of the application date. Certify FIP program approval or denial of the application within 45 days.

Note: The specialist must review the DHS-1171 for any potential deferral requests prior to running the FIP EDG; see BEM 230A.

The Department's Hearing Summary (DHS-3050) states that "BRIDGES did not properly or timely issue the PATH referral on 7/14/14 when other mandatory application documents were issued." August 25, 2014, was the 45th day after the application. BAM 115 goes on to state:

PROCESSING DELAYS

All Programs

If an application is **not** processed by the standard of promptness (SOP) date, document the reason(s) in the case record. Document further delays at 30-day intervals.

Exceeding the SOP **cannot** be the **sole** reason for a denial.

When one program approval/denial will exceed the SOP, certify eligibility results for any others such as FAP within the SOP, if possible.

Bridges Eligibility Manual (BEM) 229 PATH Program Referrals & the Application Eligibility Period at page 1, states:

PATH Application Eligibility Period

Completion of the 21 day PATH application eligibility period (AEP) part of orientation which is an eligibility requirement for approval of the FIP application. 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.

Continue to participate in PATH after completion of the 21 day AEP.

Deny the FIP application if an applicant does not complete all of the above three components of the AEP.

Page 1 of the Department's evidence packet is a BRIDGES history of correspondence print out. It shows that DHS sent Claimant Verification Checklist (DHS-3503) and Verification of Employment (DHS-38) forms on July 14, 2014, even though a PATH Appointment Notice (DHS-4785) was not sent. Issuing the Verification Checklist (DHS-3503) and Verification of Employment (DHS-38) would create a requirement for Claimant to submit verification of her employment by July 24, 2014 (within 10 days). Page 4 - 6 of the Department's evidence packet shows update/view case notes made by SVRC International (the PATH entity Claimant was assigned to) workers. The September 5, 2014 entry states that Claimant "provided current paystubs." The September 12, 2014, entry states that Claimant reported a change of employment. The PATH workers required Claimant to submit verification of her new employment on September 16, 2014, within 4 days. On September 17, 2014, the PATH workers declared that Claimant had failed her AEP. The PATH workers' determination that Claimant had failed her AEP is the basis for DHS' denial of Claimant's July 11, 2014 Family Independence Program application.

While PATH contract entities administer the PATH program, the Department of Human Services' administers the Family Independence Program. It is not uncommon that a PATH entity's rules do not comport with DHS policy. Bridges Administration Manual (BAM) 130 Verification and Collateral Contacts has consistently provided public assistance applicants and recipients 10 calendar days to provide required verifications. The 4 day requirement imposed on Claimant by SVRC International is not in accordance with DHS policy regarding verifications. The lack of a PATH contract entity to use the standards of DHS policy will not be the basis of a negative action against a public assistance applicant or recipient.

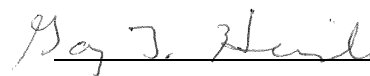
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it denied Claimant's July 11, 2014, Family Independence Program application for failure to participate in PATH.

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. Reinstate Claimant's July 11, 2014, Family Independence Program application.
2. Determine Claimant's Family Independence Program eligibility in accordance with Department of Human Services' policy.
3. Issue Claimant a current notice of the updated eligibility determination and supplement Claimant any Family Independence Program benefits she is determined eligible for but did not receive due to the September 18, 2014 denial of her application.



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

Date Signed: **12/9/2014**

Date Mailed: **12/9/2014**

GFH/hj

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 48909-8139

cc:

