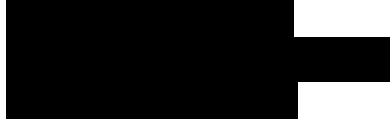


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 14-002449
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: JUNE 19, 2014
County: WAYNE-DISTRICT 15

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 June 19, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist, and [REDACTED], PATH case manager.

ISSUE

Did the Department properly deny Claimant's application for Family Independence Program (FIP) benefits?

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 March 26, 2014, Claimant applied for FIP benefits.
2. On May 5, 2014, the Department sent Claimant a Notice of Case Action denying the application.
3. On May 19, 2014, Claimant filed a request for hearing disputing 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), 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.

Additionally, the Department did not provide a copy of the May 7, 2014 Notice of Case Action denying Claimant's March 26, 2014 FIP application but explained at the hearing that the application was denied because Claimant had failed to complete the FIP application eligibility period (AEP). A client's FIP application cannot be approved until the client completes the 21 day PATH application eligibility period (AEP) part of orientation. BEM 229 (July 2013), p. 1. This requires that the client (1) begin the AEP by the last date to attend indicated on the PATH Appointment Notice, (2) complete the PATH AEP requirements, and (3) continue to participate in PATH after completion of the 21 day AEP. BEM 229, p. 1.

In this case, the Department alleged that Claimant participated in the PATH orientation and completed the first week of the AEP but did not complete the final two weeks of the required 21-day AEP. The Department explained that Claimant did not complete the second week of her AEP because she did not meet with her PATH case manager on April 25, 2014 at 8:30 pm as she was required. Claimant contended that she completed the second week of the AEP. Under the written PATH Week 2 Assignment Plan, Claimant was required to complete assigned activities and meet with her case manager. Although Claimant contended that she completed her assignments, she admitted that she did not meet with the PATH case manager on April 25, 2014. The PATH case manager signed the PATH Week 2 Assignment Plan indicating that Claimant had **not** attend the appointment and, as such, did not satisfactorily complete her weekly assignments. Failure by a client to participate fully in PATH-assigned activities while the FIP application is pending will result in denial of FIP benefits. BEM 229, p. 6. Therefore, the Department properly relied on Claimant's failure to attend the PATH program on April 25, 2014 to deny her application.

At the hearing, Claimant admitted that she did not attend the third week of the PATH program because she was beat up on April 28, 2014 by some girls she knew and because she was experiencing stomach and back pains in connection with her pregnancy. Although the PATH case manager acknowledged receiving a phone call from Claimant on April 28, 2014 concerning the altercation with the girls, the worker's position was that Claimant had already failed to comply with the PATH program by failing to attend the April 25, 2014 appointment.

With respect to the pregnancy-related condition, Department policy provides that a client may request a deferral from PATH due to pregnancy complications, but the client must provide medical verification that indicates that she is unable to participate. BEM 230A (January 2013), p 7. In this case, Claimant provided documentation showing that she had gone to the hospital on May 7, 2014. However, the third week of the PATH program was April 28, 2014 to May 4, 2014. Claimant's hospital attendance on May 7, 2014 did not explain her failure to complete assignments for the week of April 28, 2014 to May 4, 2014. Furthermore, the hospital documents Claimant provided did not indicate that Claimant was unable to participate in the PATH program.

Based on the evidence presented that Claimant did not attend the April 25, 2014 appointment and did not complete the assignments for April 28, 2014 to May 4, 2014, Claimant did not fully participate in the PATH-assigned activities. Her documentation was not sufficient to establish that she was deferred from participation in the PATH program due to pregnancy-related conditions. Accordingly, the Department acted in accordance with Department policy when it denied Claimant's March 26, 2014 FIP application for failure to complete the AEP for FIP eligibility.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Alice C. Elkin

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

Date Signed: **6/24/2014**

Date Mailed: **6/25/2014**

ACE / tlf

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:

