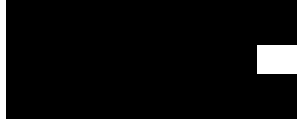


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 14-003017
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: JUNE 19, 2014
County: WAYNE-DISTRICT 49

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], Family Independence Specialist.

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 19, 2014, Claimant applied for FIP benefits.
2. On March 26, 2014, the Department sent Claimant a PATH Appointment Notice notifying her that she was required to attend the PATH orientation on April 7, 2014.
3. Claimant did not attend the PATH orientation.
4. On May 5, 2014, the Department sent Claimant a Notice of Case Action notifying her that that her FIP application was denied.

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, in a May 5, 2014 Notice of Case Action, the Department notified Claimant that her March 19, 2014 FIP application was denied because she had failed to attend the PATH orientation. 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.

At the hearing, Claimant admitted that she had received the PATH Appointment Notice notifying her to attend the PATH orientation on April 7, 2014 but did not attend the orientation. She explained that, after she received the appointment notice, she called her worker at the time and he advised her that, because she was working and had a child under the age of a year, she was not required to attend.

Department policy provides that a FIP group containing only one work-eligible individual with the youngest child in the group less than six years old is required to participate in work-related activities for at least 20 hours per week. BEM 228 (July 2013), p. 14. However, applicants who are working a minimum of 40 hours weekly at the state minimum wage are not referred to PATH. BEM 230A (October 2013), pp. 7-8. The mother of a newborn is deferred from participation in PATH for post-partum recovery for up to two months. BEM 230A, p. 8.

In this case, Claimant testified that she worked 20 to 25 hours weekly and her child was born [REDACTED]. Therefore, she was not eligible for a deferral from the PATH program on April 7, 2014 based on either her employment or post-partum recovery. However, Claimant credibly testified that her worker advised her that she was not required to attend the PATH program, and her testimony was consistent with her comments in her hearing request. She also testified that her worker requested that she submit verification of her employment and she did so.

The case worker at the hearing was not Claimant's case worker at the time Claimant was referred to the PATH program and could not testify concerning the nature of

conversations between Claimant and her worker at the time. However, she did confirm that the Department had documentation prior to sending out the May 5, 2014 Notice of Case Action verifying Claimant's employment and the employment income had been budgeted.

Based on the evidence presented, Claimant was led to believe by her caseworker that she did not have to attend the PATH orientation. See BAM 115 (March 2014), p. 2 (requiring the Department to assist clients who need and request help in completing the application); BAM 130 (January 2014), p. 3 (requiring the Department to assist a client who needs and requests help in obtaining verifications). Therefore, although Claimant was not eligible for a deferral based on her employment or her newborn's birth, because she was misadvised by her case worker concerning her required participation in the PATH program, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Claimant's March 19, 2014 FIP application.

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 March 19, 2014 FIP application;
2. Issue supplements to Claimant for any FIP benefits she was eligible to receive but did not from March 19, 2014 ongoing; and
3. Notify Claimant in writing of its decision.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

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

Date Mailed: **6/24/2014**

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:

