

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

IN THE MATTER OF:

██████████
████████████████████
████████████████████

Reg. No.: 14-003165
Issue No.: 1008
Case No.: ██████████
Hearing Date: June 25, 2014
County: WAYNE (31)

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 June 25, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's application for Family Independence Program (FIP) benefits for failure to participate in employment related activities?

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 April 24, 2014, Claimant applied for FIP benefits.
2. On April 30, 2014, the Department sent Claimant a Partnership. Accountability. Training. Hope. (PATH) Notice scheduling an appointment for 12:30 p.m. on May 13, 2014.
3. Claimant appeared for the PATH appointment on May 13, 2014 but was unable to remain for the entire scheduled time because her son had a medical appointment.
4. On May 16, 2014, the Department sent Claimant a Notice of Case Action notifying her that her application for FIP benefits had been denied for failure to verify requested information.

5. On May 23, 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.

DHS requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. The focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate, without good cause. BEM 223A (7/2013), p. 1. Noncompliance by a client while the application is pending results in group ineligibility. An applicant who refused employment without good cause, within 30 days prior to the date of application or while the application is pending, must have benefits delayed. BEM 223A, p. 7.

Claimant applied for FIP benefits online on April 24, 2014. The Department sent Claimant a PATH Appointment Notice, scheduling her appointment for May 13, 2014. Claimant testified that between the time she received the notice and the date of the appointment, her son had a medical emergency. The follow up appointment for her son was scheduled for May 13, 2014. Claimant testified that she left a voicemail for worker to advise that she would appear for the appointment but that she could not remain until the end of the day. Claimant did not receive a return telephone call.

A client is considered to be in noncompliance if he or she fails to appear and participate with PATH. BEM 223A, p. 2. Claimant appeared for the PATH appointment on May 13, 2014. She informed the workers present that she would not be able to remain. Claimant was told that she could not remain if she could not stay for the entire appointment time. Claimant left and no further appointment was scheduled.

On May 16, 2014, the Department sent Claimant a Notice of Case Action notifying her that her application for FIP benefits had been denied. The reason for intended action stated that the case closed because Claimant failed to verify information necessary.

Claimant acknowledged receiving the Verification Checklist and testified that she returned all requested documents on or before the due date.

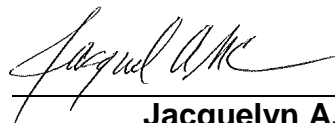
It is therefore found that Claimant did not fail to verify requested information. It is further found that Claimant appeared for the PATH appointment and attempted to have her PATH appointment rescheduled due to circumstances beyond her control. Accordingly, the Administrative Law Judge, based on the 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 April 24, 2014 application for FIP benefits.

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 April 24, 2014 application;
2. Issue supplements to Claimant for any FIP benefits she was eligible to receive but did not relating to her April 24, 2014 application; and
3. Notify Claimant in writing of its decision.



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

Date Signed: **7/3/2014**

Date Mailed: **7/3/2014**

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]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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