

5. On July 2, 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.
6. On July 3, 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.

In this case, Claimant applied for FIP benefits on June 12, 2014. Claimant was referred to the PATH program on the same day. Claimant testified that she did not receive the PATH appointment notice requiring her to appear on June 23, 2014. As a result, Claimant did not appear for the PATH appointment. On July 2, 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. Claimant's husband was also excluded because he was considered to be an undocumented alien. Claimant testified that she was not disputing the exclusion of her husband and was only disputing the denial for her to receive FIP benefits.

Prior to Claimant's application for FIP benefits, she was an ongoing recipient of MA benefits. In approximately December 2013 or January 2014, Claimant forwarded medical documents to her assigned case worker regarding issues she had with her back. Claimant stated that she did this because she had previously notified her worker of her medical condition and she did not submit any additional documentation when she applied for FIP benefits. Department policy requires staff to be alert to undisclosed or unrecognized disabilities and offer screening and assessment as appropriate. BEM 230A (October 2013), p. 3. Accordingly, even if Claimant did not notify the Department of a potential disability at the time she applied for FIP benefits, it was on notice of a medical condition which may limit her ability to participate in the PATH program.

Department policy allows for persons with a mental or physical illness, limitation, or incapacity expected to last less than three months and which prevents participation may be deferred for up to three months. BEM 230A, p. 11. Claimant testified that she underwent back surgery on [REDACTED]. Claimant further stated that she had been

in contact with her worker regarding her medical condition and limitations. There is no evidence that Claimant was ever offered screening or an assessment as required by policy which may have resulted in at least a temporary deferral from 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 application for FIP benefits for failure to attend the PATH program.

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 June 12, 2014 application for FIP benefits;
2. Issue supplements Claimant was eligible to receive but did not relating to her June 12, 2014 application for FIP benefits; 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: August 19, 2014

Date Mailed: August 19, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, 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

JAM/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]