

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

IN THE MATTER OF:

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██
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Reg. No.: 14-007694
Issue No.: 1001;6002
Case No.: ██████████
Hearing Date: October 9, 2014
County: WAYNE-DISTRICT 57

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 October 9, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████, Eligibility Specialist and ██████████ Assistance Payment Supervisor.

ISSUE

Did the Department properly deny Claimant's applications for Family Independence Program (FIP) and Child Development and Care (CDC) 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 May 14, 2014, Claimant submitted an application for FIP and CDC benefits.
2. On May 19, 2014, the Department sent Claimant a PATH Appointment Notice instructing her to attend PATH orientation on May 27, 2014. (Exhibit 1)
3. On June 30, 2014, the Department sent Claimant a Notice of Case Action informing her that her FIP application had been denied on the basis that she failed to attend the PATH program orientation and that her CDC application had been denied on the basis that she failed to return verification of eligible provider/care arrangement. (Exhibit 4)

4. On July 14, 2014, Claimant submitted a hearing request 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).

FIP

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, PATH participants must complete the 21-day PATH application eligibility period (AEP) part of orientation which is an eligibility requirement for approval of the FIP application. BEM 229 (July 2013), pp. 1, 6. This requires that the client (i) begin the AEP by the last date to attend as indicated on the PATH Appointment Notice, (ii) complete the PATH AEP requirements, and (iii) continue to participate in PATH after completion of the 21-day AEP. BEM 229, p.1. The Department may extend the last day the client has to attend AEP/orientation when necessary. BEM 229, p.7. Failure by a client to participate fully in assigned activities while the FIP application is pending, including completion of the above three components of the AEP, will result in denial of FIP benefits. BEM 229, p. 6.

In this case, Claimant submitted an application for FIP benefits on May 14, 2014. In connection with the application, Claimant was sent a PATH Appointment Notice instructing her to attend PATH orientation on May 27, 2014. (Exhibit 1). The Department testified that because Claimant did not attend PATH orientation, it sent Claimant a Notice of Case Action on June 30, 2014, informing her that her FIP application had been denied on the basis that she failed to attend PATH orientation. (Exhibit 4).

At the hearing, Claimant testified that she did not receive the PATH Appointment Notice and that she was only verbally informed of her orientation date. Claimant stated that she had a meeting with her Department case worker after submitting her application, at which she was verbally informed that she would have to attend PATH orientation on Friday, May 27, 2014. Claimant testified that May 27, 2014, was not Friday and that she went to PATH on Friday, May 30, 2014, because she assumed that it was the correct date. Claimant stated that she was informed at the PATH program that she had missed her orientation date and also stated that a representative from the PATH program attempted to contact the Department case worker that day to reschedule orientation and

to have Claimant be re-referred back to PATH, but no response was received. Claimant credibly testified that she called her Department case worker eight to ten times after May 30, 2014, to have her orientation rescheduled; however, the Department did not return her phone calls.

Claimant further testified that she also did not receive the Notice of Case Action informing her of the application denial and that at the time she submitted her application, she was living in-between houses. Claimant reported on her hearing request that she had problems with her mail and housing that the Department was aware of. Although the Department stated that the address to which the PATH Appointment Notice and Notice of Case Action were sent was the mailing address Claimant identified on her application, there was no documentary evidence presented to support the Department's testimony.

It should be noted that the Notice of Case Action also indicates that Claimant's FIP application was denied because she failed to complete a FAST within 30 days of the notice. However, because the Department failed to present any evidence to support this decision, any denial on this basis is improper and unsubstantiated.

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 has failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Claimant's application for FIP benefits.

CDC

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (April 2014), p.1. To request verification of information, the Department sends a VCL which tells the client what verification is required, how to obtain it, and the due date. BAM 130, pp. 3-4. Although the client must obtain the required verification, the Department must assist if a client needs and requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information; and if no evidence is available, the Department is to use its best judgment. BAM 130, p. 3.

With respect to CDC cases, clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, p.6. The Department sends a negative action notice when the client indicates a refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 6. For CDC cases, if the client cannot provide the verification despite a reasonable effort, the Department can extend the time limit at least once. BAM 130, p. 6.

In this case, on May 14, 2014, Claimant submitted an application for CDC benefits. On June 30, 2014, the Department sent Claimant a Notice of Case Action informing her that her CDC application had been denied on the basis that she failed to return verification of an eligible provider/care arrangement. (Exhibit 4). The Department did not present a VCL or a provider verification form for review at the hearing, but stated that one was sent and that the requested verification of eligible provider was due on May 29, 2014.

Claimant disputed the Department's testimony and stated that she did not receive any requests for verification or a CDC Provider Verification form in the mail. Claimant stated that at the above-mentioned meeting with her case worker after initially submitting her application, she was verbally informed that she needed to provide verification of an eligible provider. Claimant credibly testified that she brought home a CDC provider verification form from the meeting and that she completed the form either the next day or day after. Claimant stated that she placed the completed form in the mailbox near her home and sent it to the Department, prior to the due date.

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 because Claimant demonstrated that she did not indicate a refusal to provide the verification and made a reasonable effort to provide the verifications by the due date, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Claimant's CDC application on the basis that she failed to provide verification of her CDC provider arrangement.

DECISION AND ORDER

Accordingly, the Department's FIP and CDC decisions are 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. Register and process Claimant's May 14, 2014, FIP and CDC applications;

2. Issue supplements to Claimant for any FIP benefits that she was eligible to receive but did not from the date of application ongoing;
3. Issue supplements to Claimant and her CDC provider for any CDC benefits that she was eligible to receive but did not from the date of application ongoing; and
4. Notify Claimant of its decision in writing.



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

Date Signed: **10/20/2014**

Date Mailed: **10/20/2014**

ZB / 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:

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