

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

IN THE MATTER OF:

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Reg. No.: 14-007817
Issue No.: 1001
Case No.: ██████████
Hearing Date: August 25, 2014
County: Wayne-District 49

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 August 25, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Non JET 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 May 16, 2014, Claimant submitted an application for FIP benefits.
2. On June 2, 2014, the Department sent Claimant a PATH Appointment Notice instructing her to attend PATH orientation on June 9, 2014. (Exhibit 1, p.1)
3. On June 10, 2014, the Department sent Claimant a second PATH Appointment Notice instructing her to attend PATH orientation on June 16, 2014. (Exhibit 1, p.2)
4. On June 19, 2014, the Department sent Claimant a third PATH Appointment Notice instructing her to attend PATH orientation on June 30, 2014. (Exhibit 1, p.3)

5. On July 9, 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 PATH orientation. (Exhibit 3)
6. On July 24, 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).

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. 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.

The Department is to temporarily defer an applicant with identified barriers until the barrier is removed. Additionally, clients should not be referred to orientation and AEP until it is certain that barriers to participation such as lack of child care or transportation have been removed, possible reasons for deferral have been assessed and considered, and disabilities have been accommodated. BEM 229, p. 2.

In this case, Claimant submitted an application for FIP benefits on May 16, 2014. The Department stated that in connection with the application, it sent Claimant a PATH Appointment Notice instructing her to attend PATH orientation on June 9, 2014. The Department stated that because Claimant indicated she did not have child care, it provided Claimant with a telephone number to call and request child care assistance and sent Claimant a second PATH Appointment Notice instructing her to attend PATH orientation on June 16, 2014. The Department testified that because Claimant identified medical conditions due to her pregnancy prohibiting her from participating in PATH, it requested that her doctor complete a medical needs form. The Department stated that because Claimant stated that she still did not have child care, it sent Claimant a packet

of information including a CDC application and a list of eligible CDC providers in her area. The Department sent Claimant third PATH Appointment Notice instructing her to attend PATH orientation on June 30, 2014. (Exhibit 1).

The Department testified that because the documents submitted by Claimant's doctor contained insufficient information to determine if Claimant could participate in PATH, a collateral contact was made with Claimant's doctor in which the Department was informed that although Claimant was pregnant, she was not high risk and should not be excused from PATH. (Exhibit 2). The Department further testified that because Claimant did not attend her PATH orientation on June 30, 2014, it sent her a Notice of Case Action informing her that her application had been denied.

At the hearing, Claimant testified that she did not attend PATH orientation because she did not have child care and had medical conditions due to her pregnancy. Claimant further stated that because she is currently living in a shelter, she has unstable housing and does not have transportation to get to PATH. Claimant stated and the Department confirmed that Claimant informed the Department of the transportation barriers at the time of application.

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 based on the evidence presented, the Department failed to establish that Claimant was temporarily deferred from participation in PATH so that the barriers she identified could be removed. Therefore, 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.

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. Register and process Claimant's May 16, 2014, FIP application;
2. Resolve any barriers to Claimant's participation in PATH;

3. Issue supplements to Claimant for any FIP 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: **8/29/2014**

Date Mailed: **09/02/2014**

ZB / 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:

[REDACTED]
[REDACTED]
[REDACTED]
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