

**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 008003
Issue No(s): 1008, 3008
Case No.: ██████████
Hearing Date: August 27, 2014
County: Wayne (55)

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 August 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Family Independence Manager.

ISSUE

Did the Department properly deny Claimant's application for Family Independence Program (FIP) benefits?

Did the Department properly close Claimant's Food Assistance Program (FAP) 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. Claimant applied for FIP and FAP benefits on June 4, 2014.
2. Claimant began receiving FAP benefits.
3. Claimant was required to complete the 21 day Partnership. Accountability. Training. Hope (PATH) application eligibility period (AEP) part of orientation prior to receiving FIP benefits.

4. Claimant failed to complete the PATH AEP orientation process.
5. On July 9, 2014, the Department sent Claimant a Notice of Case Action notifying Claimant that her FIP application was denied and that her FAP case would close for failure to complete the PATH orientation process.
6. On July 22, 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.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

FIP

Additionally, Department policy requires that clients complete the 21 day PATH AEP part of orientation which is an eligibility requirement for approval of the FIP application. PATH participants must complete all of the following in order for their FIP application to be approved:

- Begin the AEP by the last date to attend as indicated on the DHS-4785, PATH Appointment Notice.
- Complete PATH AEP requirements.
- Continue to participate in PATH after completion of the 21 day AEP. BEM 229 (July 2013), p. 1.

The Department testified that its records reflect that Claimant completed orientation and one week of the 21 day required program. Claimant testified that she attended orientation and approximately two weeks. While there is some dispute as to exactly how many weeks Claimant completed, Claimant acknowledged that she did not complete the final week and did not call a Department representative to advise that she

was unable to attend. Claimant stated that she went to the emergency room following each day she attended the PATH program. However, Claimant was unable to provide any medical documentation to support this claim. There is no evidence that Claimant's doctor stated that she was unable to attend the PATH program during the week in which she failed to attend. Accordingly, it is found that Claimant failed to complete the required orientation process and as such, the Department properly denied Claimant's application for FIP benefits.

On July 9, 2014, the Department sent Claimant a Notice of Case Action notifying her that both her application for FIP benefits had been denied and that her FAP case would close effective July 1, 2014 for failure to complete the PATH orientation process. On July 15, 2014, Claimant obtained a letter from her doctor stating that she was to be off from work beginning July 16, 2014. Accordingly, if Claimant reapplies for FIP benefits and is still medically unable to attend PATH, she may be eligible for a deferral from the PATH program.

FAP

The Department is allowed to disqualify a FAP group member for noncompliance when all of the following exist:

- The client did not comply with FIP/RCA employment requirements.
- The client is subject to a penalty on the FIP/RCA program.
- The client is **not** deferred from FAP work requirements;
- The client did not have good cause for the noncompliance. BEM 233B (July 2013), p. 3.

However, the Department is only to refer to the BEM 233B if the client received FIP and FAP on the date of noncompliance. BEM 230B (October 2013), p. 1. Claimant was not receiving FIP on the date she was found to be in noncompliance. Therefore, BEM 233B did not apply.

Unlike cash benefits, which are tied to participation in PATH, there are no hourly PATH requirements for the Food Assistance Program. BEM 230B p. 2. Claimant was not working at the time she applied for FAP benefits. Department policy requires adults who are not working or are working less than 30 hours per week to do the following to be eligible for FAP benefits:

- Accept a bona fide offer of employment.
- Participate in activities required to receive unemployment benefits if the client has applied for or is receiving unemployment benefits. *Id.*

There is no requirement to participate in the 21 day AEP orientation process to receive unemployment benefits. Further, the Department did not provide any evidence that Claimant failed to accept a bona fide offer of employment. Accordingly, it is found that the Department improperly closed Claimant's FAP case for failure to participate in the PATH orientation process.


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 acted in accordance with policy when it closed Claimant's FIP case for failure to complete the PATH orientation process. However, it is found that the Department did not act in accordance with policy when it closed Claimant's FAP case for failure to complete the PATH orientation process.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED** in part and **REVERSED** in part.

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. Reinstate Claimant's FAP case effective July 1, 2014; and
2. Issue supplements to Claimant for any FAP benefits she was eligible to receive but did not effective July 1, 2014.


JACQUELYN A. MCCLINTON
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: September 5, 2014

Date Mailed: September 5, 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]
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