

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

IN THE MATTER OF:



Reg. No.: 14-008088
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: September 8, 2014
County: WAYNE-31

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 September 08, 2014, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Family Independence Specialist.

ISSUE

Did the Department properly deny the Claimant's application for failure to complete her Child Development and Care (CDC) application?

Did the Department properly deny the Claimant FIP (cash assistance) application for failure to attend the PATH program?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant applied for FIP online and after a telephone interview, also applied and completed an application for CDC which she mailed to the Department on June 26, 2014. The CDC Application was received by the Department on June 27, 2014, including a Form 4025. Exhibit 5
2. The Department sent the Claimant a Notice to Attend Path Appointment on June 19, 2014, which scheduled an appointment for PATH on July 1, 2014. Exhibit 2. The Claimant did not attend the PATH orientation on that date, as no day care was

available for her four children, two who were under the age of four. The Claimant notified the Department that she could not attend.

3. The Department issued a Notice of Case Action on July 15, 2014 denying the Claimant's FIP application effective July 16, 2014, and closing the requested CDC effective June 28, 2014 and August 10, 2014. The basis for the FIP denial was failure to attend the PATH program. The basis for the CDC closure was failure to verify information and lack of need for CDC services. Exhibit 4
4. The Claimant requested a hearing on July 18, 2014 protesting the denial of the FIP application and CDC application.

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 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, in this case the Department presented evidence that the Claimant did not attend the PATH orientation appointment scheduled by the Department, which appointment was scheduled before the Claimant's CDC application was approved. The Claimant applied for CDC on June 27, 2014 and provided a complete application. The Department assigned the Claimant to attend PATH orientation July 1, 2014 after a phone interview on June 19, 2014, which advised the Department that the Claimant needed CDC so she could attend PATH. Based upon the interview, the Department sent the Claimant a CDC application to be completed by her. The Department did not temporarily defer the Claimant due to lack of childcare. The application was provided to the Department and was complete when provided. A review of the CDC application indicates that the Claimant needed CDC services in order to attend the PATH program,

as two of the children were aged two and three. Notwithstanding this barrier, the Department assigned the Claimant to attend PATH. BEM 229 provides:

- Identify and provide direct support services as needed. Childcare and transportation barriers are common. DHS is responsible and must assist clients who present with childcare or transportation barriers before requiring PATH attendance; see BEM 232 Direct Support Services.
- Open/edit the Family Self-Sufficiency Plan (FSSP) and enter strength and barrier information identified and addressed during the intake process.
- Temporarily defer an applicant with identified barriers until the barrier is removed.
- **Clients should not be referred to orientation and AEP until it is certain that barriers to participation such as lack of childcare or transportation have been removed, possible reasons for deferral have been assessed and considered, and disabilities have been accommodated.** BEM 229, pp. 2 (7/1/13) (emphasis supplied).

At the hearing, it was clear that the Claimant had provided the Department a complete CDC application prior to the PATH appointment. Exhibit 5 and 6. Notwithstanding this known barrier to attending the PATH program, the Department sent the Claimant a PATH appointment notice anyway rather than temporarily deferring the Claimant. Additionally, the Department erroneously concluded that the CDC application was not complete even though the Form 4025 was in fact contained in the case file and date stamped June 27, 2014, as credibly testified to by the Claimant. Apparently, the Department for reasons unexplained never processed the CDC application and instead sent the Claimant to PATH orientation without day care, and when advised the Claimant could not attend PATH due to lack of day care on the day of the PATH appointment, did not reschedule the appointment as requested by the Claimant, because the Department found the rescheduling request was too late. Under these circumstances, the Department should have rescheduled the PATH appointment after the CDC was approved, so that this barrier was no longer an issue.

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 Department policy when it denied the Claimant's FIP application and failed to process the CDC application, and ultimately closed same due to lack of need.

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. The Department shall re-register the Claimant's FIP (application) of June 18, 2014, and CDC application (June 27, 2014) and process the applications.
2. The Department shall resolve all barriers to the Claimant's ability to attend PATH.
3. The Department shall issue the Claimant a FIP supplement to the Claimant in accordance with Department policy for FIP benefits she is entitled to receive from the date of the application.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: September 10, 2014

Date Mailed: September 10, 2014

LMF/tm

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:

