

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 14-010068
Issue No.: 1008
Case No.: ██████████
Hearing Date: September 17, 2014
County: Wayne (49-Gr River/Warren)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 17, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████
██████████

ISSUE

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

FINDINGS OF FACT

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

1. In March 2014, Claimant applied for FIP benefits.
2. Claimant's application was denied, and Claimant requested a hearing.
3. In the Hearing Decision following the hearing, the Department's action was reversed and the Department was ordered to reregister and reprocess the application.
4. On July 7, 2014, Claimant attended a PATH orientation.
5. Claimant did not attend PATH after the July 7, 2014, PATH orientation.

6. On August 4, 2014, the Department sent Claimant a Notice of Case Action denying her FIP application because she had failed to complete the entire PATH orientation process.
7. On August 13, 2014, Claimant requested a 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.

Additionally, the August 4, 2014, Notice of Case Action notified Claimant that her March 2014 FIP application was denied because she had failed to complete the PATH orientation process. A client's FIP application cannot be approved until the client completes the 21-day PATH application eligibility period (AEP) part of orientation. BEM 229 (July 2013), p. 1. This requires that the client (1) begin the AEP by the last date to attend indicated on the PATH Appointment Notice, (2) complete the PATH AEP requirements, and (3) continue to participate in PATH after completion of the 21-day AEP. BEM 229, p. 1.

In connection with these requirements, as a condition of FIP eligibility, all work-eligible individuals must work or engage in employment and/or self-sufficiency-related activities. BEM 233A (July 2013), p. 2. Noncompliance by a work-eligible individual while the application is pending results in group ineligibility. BEM 233A, p. 7. Noncompliance of applicants includes failing or refusing to appear and participate with PATH or other employment service provider or in a required activity **without good cause**. BEM 233A, p. 2 (emphasis added). Good cause is a valid reason for noncompliance with employment and/or self-sufficiency-related activities that are based on factors that are beyond the control of the noncompliant person. BEM 233A, p. 4. Good cause is established when credible information indicates an unplanned event or factor which likely prevents or significantly interferes with employment and/or self-sufficiency-related activities. BEM 233A, p. 6.

In this case, the Department alleged that Claimant participated in the PATH orientation on July 7, 2014, but did not complete any of the remaining days of the required 21-day AEP. Claimant acknowledged that she did not complete the AEP but explained that the

night after her PATH orientation, her brother was murdered, and that she also had to be at home to care for her infant child who had pneumonia and asthma. In support of her position, Claimant presented the program from her brother's funeral showing a [REDACTED] date of death and a note from her infant's doctor showing that Claimant was required to care for her child between July 17, 2014, and July 24, 2014.

Claimant's Department worker testified at the hearing that Claimant contacted her on [REDACTED], and advised her that her brother had been killed and she and her family had been receiving threats following the death. The worker testified that she advised Claimant to contact her PATH worker and that she should file a police report concerning any threats she received. Although the PATH case notes indicate that Claimant did not contact her PATH worker until July 22, 2014, Claimant testified that she tried to contact her PATH worker on multiple occasions on [REDACTED], and daily thereafter and the front desk would take her messages but her PATH worker never returned her calls. The PATH worker was not at the hearing to dispute Claimant's testimony. Furthermore, the PATH case notes indicate that Claimant contacted her PATH worker on July 22, 2104, and her Department worker contacted the PATH worker on July 25, 2014, and both were advised that, because Claimant had not completed the AEP, her FIP application would be denied.

The evidence presented shows that Claimant's brother's murder was an unplanned event or factor which significantly interfered with Claimant's ability to participate in the PATH self-sufficiency-related activities and that both the PATH program and the Department were aware of these circumstances prior to the August 4, 2014, Notice of Case Action denying Claimant's FIP application. Therefore, Claimant established good cause for her failure to comply with the 21-day AEP.

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 Claimant's FIP application.

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 March 2014 FIP application;
2. Issue supplements to Claimant for any FIP benefits she is eligible to receive from the date of application ongoing; and

3. Notify Claimant in writing of its decision in a DHS-1605, Notice of Case Action.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **9/23/2014**

Date Mailed: **9/23/2014**

ACE / pf

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]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]