

**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.: 14-010868
Issue No.: 1008
Case No.: ██████████
Hearing Date: October 06, 2014
County: WAYNE (31)

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 three way telephone hearing was held on October 6, 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?

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 June 23, 2014, Claimant applied for FIP benefits.
2. On July 28, 2014, the Department sent Claimant a PATH Appointment Notice scheduling an orientation date of August 5, 2014.
3. Claimant was late to the orientation and was not allowed to remain.
4. Claimant made several unsuccessful attempts to reschedule the orientation.
5. On August 7, 2014, the Department sent Claimant a Notice of Case Action notifying her that her application for FIP benefits had been denied.
6. On September 10, 2014, Claimant reapplied for FIP benefits.

7. On September 12, 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.

On June 23, 2014, Claimant applied for FIP benefits. Department policy holds that completion of the 21 day PATH application eligibility period (AEP) part of orientation is an eligibility requirement for approval of the FIP application. BEM 229 (July 2013), p. 1. Further, a client is required to begin the AEP by the last date to attend as indicated on the DHS-4785, PATH Appointment Notice. *Id.* On July 28, 2014, the Department sent Claimant a PATH Appointment Notice which scheduled her orientation for August 5, 2014. Claimant testified that she took the wrong bus and as a result, she was late for orientation. Claimant indicated that because she was late, she was not allowed to participate in the orientation. Claimant stated that she attempted to call her assigned worker twice before she left the PATH orientation and made subsequent attempts on August 6, 2014 and August 7, 2014. Claimant left a voicemail after each attempt but did not receive a return call.

The Department testified that the last date Claimant would have been eligible to begin the orientation was August 8, 2014. The PATH Appointment Notice does not provide a specific last date but indicated that if Claimant failed to call or appear within 15 days of the notice, her application would be denied. The date of the PATH Appointment Notice was July 28, 2014. Accordingly, 15 days later would have been approximately August 12, 2014. It is unclear why the Department sent Claimant a Notice of Case Action denying her application on August 7, 2014 which was one day before the date its records indicate was the last day for Claimant to attend orientation. As such, it is found that the Department prematurely denied Claimant's application for FIP benefits and failed to reschedule her orientation as requested.

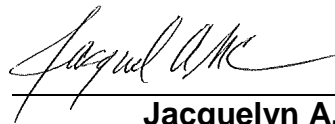
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with policy when it denied Claimant's application for FIP benefits.

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. Reregister and reprocess Claimant's June 23, 2014 application for FIP benefits;
2. Issue supplements to Claimant relating to her June 23, 2014 application; and
3. Notify Claimant in writing with a Notice of Case Action of its decision relating to her June 23, 2014 application.



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **10/8/2014**

Date Mailed: **10/8/2014**

JAM / 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:

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