

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-015436
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: December 10, 2014
County: ALPENA

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 December 10, 2014, from Lansing, Michigan. Participants on behalf of Claimant included himself. Participants on behalf of the Department of Human Services (Department) included FIS [REDACTED]

ISSUE

Did the Department properly process Claimant's September 15, 2014, Family Independence Program 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. On September 15, 2014, Claimant submitted an application for Family Independence Program benefits.
2. On September 18, 2014, Claimant and his spouse were both sent a PATH Appointment Notice (DHS-4785). They were directed to start PATH on September 30, 2014.
3. On September 30, 2014, Claimant and his spouse began PATH participation.
4. On October 20, 2014, Claimant and his spouse completed their application eligibility period.
5. On October 21, 2014, Claimant was sent a Notice of Case Action (DHS-1605) which stated they were approved for \$ [REDACTED] of Family Independence Program benefits for October and \$ [REDACTED] per month beginning November 1, 2014.
6. On October 29, 2014, Claimant submitted a hearing request.

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 concern raised in this case is whether Claimant was eligible for the full Family Independence Program grant in October. Bridges Eligibility Manual (BEM) 229 (2013) provides:

PATH Application Eligibility Period

Completion of the 21 day PATH application eligibility period (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.

PATH Appointment Notice and Attendance Requirements

Bridges will automatically issue a DHS-4785, PATH Program Appointment Notice, from Bridges at application, member add, or when a client loses a deferral to schedule an appointment for each mandatory PATH participant. The DHS-4785 will be generated overnight and can be viewed the next day in Correspondence History.

In generating a PATH referral and the DHS-4785, Bridges will allow 6 days for the PATH referral to be processed through Central Print before requiring the client to attend PATH.

Both PATH Appointment Notices (DHS-4785) for Claimant and his spouse were generated on September 18, 2014. In order to comply with BEM 229, they could not be required to attend PATH before September 24, 2014.

Bridges Administration Manual (BAM) 115 Application Processing, under Eligibility Decisions, at page 24 states:

Initial Benefits

FIP and SDA Only

Provided the group meets all eligibility requirements, begin assistance in the pay period in which the application becomes 30 days old.

If the application becomes 30 days old and the group has **not** met eligibility requirements, begin assistance for the first pay period when it does.

Bridges issues initial benefits as appropriate.

Bridges Administration Manual (BAM) 400 Issuance of Program Benefits (2014) at page 1, under Definitions – Cash Assistance Only states:

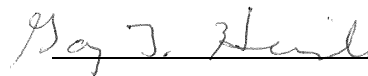
Pay Period (or Payment Period)

The half-month that a warrant/benefit covers. A pay period is either the first through the 15th day **or** the 16th through the last day of the month.

Claimant and his spouse completed their AEP on October 21, 2014. In accordance with BAM 400 the first Family Independence Program pay period in which they were approved and began assistance would be October 16 -31, 2014. 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 Department policy when it processed Claimant's September 15, 2014, Family Independence Program application.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Gary Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **12/15/2014**

Date Mailed: **12/15/2014**

GFH/hj

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 48909-8139

cc:

