

**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.: 2014-16121
Issue No.: 1008
Case No.: ██████████
Hearing Date: January 9, 2014
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 January 9, 2014, from Detroit, Michigan. Participants included the above-named Claimant. ██████████ testified on behalf of Claimant. Participants on behalf of the Department of Human Services (DHS) included ██████████, Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's eligibility for Family Independence Program (FIP) due to Claimant's noncompliance with Partnership. Accountability. Training. Hope. (PATH) participation.

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 was an ongoing FIP benefit recipient.
2. Claimant was not an ongoing PATH participant.
3. On an unspecified date, Claimant reported an address change to DHS.
4. On an unspecified date, DHS mailed Claimant a notice to attend PATH.

5. Claimant did not receive the notice to attend PATH because DHS mailed the notice to Claimant's previous address.
6. On [REDACTED] 13, DHS determined Claimant was noncompliant with employment-related activities due to Claimant's failure to attend PATH.
7. On [REDACTED] 13, DHS mailed Claimant a Notice of Case Action notifying Claimant of a termination of FIP benefits, effective [REDACTED]/2013, due to alleged noncompliance.
8. On [REDACTED] 13, Claimant requested a hearing to dispute the FIP termination.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Claimant requested a hearing to dispute a FIP benefit termination to be effective [REDACTED]/2013. It was not disputed that the basis for the termination was alleged noncompliance by Claimant in PATH participation.

Mandatory PATH clients are referred to PATH upon application for FIP, when a client's reason for deferral ends, or a member add is requested. BEM 229 (7/2013), p. 3. 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. *Id.*, p. 6.

An implied requirement of the above-cited DHS policy is that DHS must mail a DHS-4785 to a client's current address. In the present case, DHS conceded that Claimant reported an address change which was not processed by DHS. The result was that DHS mailed a DHS-4785 to a former Claimant address resulting in Claimant to not receive the notice to attend PATH.

DHS conceded that Claimant cannot be faulted for failing to attend PATH when Claimant did not receive notice of the obligation to attend. DHS further conceded that the subsequent determinations of noncompliance and FIP termination were improper due to the DHS failure to give Claimant proper notice of the obligation to attend PATH. The DHS concessions are consistent with the presented facts and DHS policies.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's FIP benefit eligibility. It is ordered that DHS perform the following actions:

- (1) reinstate Claimant's FIP eligibility, effective [REDACTED]/2013, subject to the finding that Claimant was compliant with PATH participation; and
- (2) supplement any benefits improperly not issued.

The actions taken by DHS are **REVERSED**.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 14, 2014

Date Mailed: January 14, 2014

NOTICE OF APPEAL: The claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted 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 Department, AHR or the claimant 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 the hearing decision is mailed.

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

CG/hw

cc:

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