

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201417250  
Issue No.: 1001  
Case No.: [REDACTED]  
Hearing Date: January 13, 2014  
County: Wayne (31)

**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 January 13, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

**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 [REDACTED], 2013, Claimant applied for FIP benefits.
2. On [REDACTED], 2013, the Department sent Claimant a PATH Appointment Notice requiring her to attend a [REDACTED], 2013, orientation.
3. Claimant arrived late at the [REDACTED], 2013, orientation and was denied entry.
4. Claimant returned to the PATH program on [REDACTED], 2013, and [REDACTED], 2013, and was denied entry both days.

5. On [REDACTED], 2013, the Department sent Claimant a Notice of Case Action denying her FIP application.
6. On [REDACTED], 2013, 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, 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.

Additionally, 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. Failure by a client to participate fully in PATH-assigned activities while the FIP application is pending will result in denial of FIP benefits. BEM 229, p. 6.

Claimant's worker from the time at issue did not participate in the hearing. The Department worker at the hearing testified that Claimant was given two opportunities to attend the orientation: on [REDACTED] 2013, and [REDACTED], 2013. Claimant denied receiving any documentation requiring her to attend a [REDACTED] 2013, orientation, and there was no documentation presented into evidence to support the Department's testimony that she was referred to a [REDACTED] 2013, orientation.

Claimant admitted that she was late to the [REDACTED], 2013, PATH orientation. She testified that she contacted her Department worker who told her to go back to PATH the next day. When she did so, the PATH program worker told her that she was could not participate because she was required to attend the orientation first, which was held only on Mondays, before she could continue with the program. Claimant credibly testified that she returned to the PATH program the next Monday, [REDACTED], 2013 but she was again denied admission by PATH because there was no referral on its system from the Department.

The worker at the hearing noted that Claimant was advised in her [REDACTED], 2013 PATH Appointment Notice that she would be required to attend the PATH program within 15 days of the date of the Notice, which would mean she had to appear by [REDACTED], 2013. However, in its hearing summary, the Department stated that Claimant was late to the [REDACTED], 2013, orientation, supporting Claimant's testimony that she had been advised to attend the orientation that day. Contrary to the Department's statement, Claimant credibly testified that she was timely but denied admission to the orientation. The worker at the hearing was not Claimant's worker at the time the incident took place and could not counter Claimant's testimony that she attempted to attend the PATH orientation on [REDACTED], 2013.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Claimant's [REDACTED], 2013, 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 [REDACTED], 2013, FIP application; and
2. Issue supplements to Claimant for any FIP benefits she is eligible to receive but did not from [REDACTED] 2013, ongoing.



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

Date Signed: January 21, 2014

Date Mailed: January 21, 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

ACE/tlf

cc:

