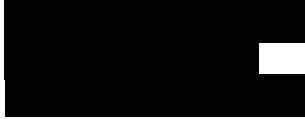


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 2014-26509
Issue No(s): 1001
Case No.: [REDACTED]
Hearing Date: April 3, 2014
County: Wayne (31)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 April 3, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], 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 December 3, 2013, Claimant submitted an application for FIP benefits.
2. On December 6, 2013, the Department sent Claimant a PATH Appointment Notice instructing her to attend PATH orientation on December 16, 2013. (Exhibit 1)
3. On January 17, 2014, the Department sent Claimant a Notice of Case Action informing her that her application for FIP benefits had been denied on the basis that she failed to attend PATH orientation. (Exhibit 3).
4. On February 6, 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, 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, PATH participants must complete the 21-day PATH application eligibility period (AEP) part of orientation which is an eligibility requirement for approval of the FIP application. BEM 229 (July 2013), pp. 1, 6. Failure by a client to participate fully in assigned activities while the FIP application is pending will result in denial of FIP benefits. BEM 229, p. 6. This requires that the client (i) begin the AEP by the last date to attend as indicated on the PATH Appointment Notice, (ii) complete the PATH AEP requirements, and (iii) continue to participate in PATH after completion of the 21-day AEP. BEM 229, p.1.

In this case, Claimant submitted an application for FIP benefits on December 3, 2013. In connection with that application, Claimant was sent a PATH Appointment Notice to attend PATH orientation on December 16, 2013. (Exhibit 1). The Department testified that because Claimant did not attend PATH orientation on December 16, 2013, it sent Claimant a Notice of Case Action on January 17, 2014, informing her that her FIP application had been denied on the basis that Claimant did not attend PATH orientation. (Exhibit 3).

At the hearing, Claimant credibly testified that she did not attend her PATH orientation on December 16, 2013, because she had a financial aid appointment at the same time, as she had just enrolled at Dorsey Schools. Claimant stated that she called the Department the Friday before her scheduled orientation to inform her case worker that she could not attend orientation. An email from Claimant to her Department case worker was also presented for review. Claimant sent this email to her case worker prior to the orientation date and informed her that she could not attend orientation on December 16, 2013, because of the appointment she had at school. Claimant also provided the Department with verification of her school enrollment. (Exhibit 2).

The Department confirmed receiving Claimant's email and that it was informed prior to the orientation date that Claimant could not attend. The Department stated that Claimant's orientation date was not rescheduled and that it was not sure if Claimant was informed that she could attend PATH orientation the following week.

After further review, the PATH Appointment Notice clearly states: “[i]f you cannot keep this appointment you should call your DHS specialist before you miss your appointment. You must reschedule this appointment as soon as possible or your benefits for FIP may be delayed.” (Exhibit 1). Because Claimant followed the instructions on the PATH Appointment Notice and Department policy provides that when necessary, the Department may extend the last day a client has to attend PATH orientation, the Department did not act in accordance with Department policy when it did not reschedule Claimant’s PATH orientation date. BEM 229, p.7.

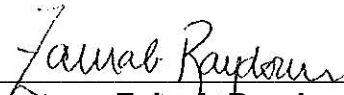
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that because Claimant informed the Department of her inability to keep her scheduled PATH orientation appointment, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Claimant’s FIP application on the basis that she did not attend PATH orientation.

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. Register and process Claimant’s December 3, 2013, FIP application;
2. Issue supplements to Claimant for any FIP benefits that she was eligible to receive but did not from the date of application ongoing; and
3. Notify Claimant of its decision in writing.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 14, 2014

Date Mailed: April 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

ZB/tlf

cc:

