

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-9446
Issue No(s): 1002, 1008
Case No.: [REDACTED]
Hearing Date: January 8, 2014
County: Kent County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 January 8, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED] the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] Case Manager, and [REDACTED] [REDACTED] Family Independence Manager.

ISSUES

1. Did the Department properly deny the Claimant's July 16, 2013 Family Independence Program (FIP) application based on a failure to comply with verification requirements?
2. Did the Department properly deny the Claimant's September 19, 2013 FIP application based on failure to attend the PATH program orientation?

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 July 16, 2013, the Claimant applied for FIP.
2. On July 19, 2013, a Verification Checklist was issued to the Claimant stating what proofs were needed by the due date.
3. On August 28, 2013, the Claimant's July 16, 2013 FIP application was denied based on a failure to comply with verification requirements.
4. On September 19, 2013, the Claimant re-applied for FIP.

5. On September 23, 2013, a PATH Appointment Notice was issued to the Claimant for a September 30, 2013 appointment and noted that PATH must be attended within 15 days of this notice.
6. On October 17, 2013, the Claimant's September 19, 2013 FIP application was denied based upon failure to attend the PATH program orientation.
7. On October 24, 2013, the Claimant filed a request for hearing contesting the Department's denials of FIP.

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 MC L 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

Additionally, a Claimant must cooperate with the local office in determining initial and ongoing eligibility, including completion of necessary forms, and must completely and truthfully answer all questions on forms and in interviews. BAM 105.

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. Verifications are considered timely if received by the date they are due. The Department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. The Department worker must tell the client what verification is required, how to obtain it, and the due date. The client must obtain required verification, but the Department must assist if the client needs and requests help. If neither the client nor the Department can obtain verification despite a reasonable effort, the Department worker should use the best available information. If no evidence is available, the Department worker is to use their best judgment. The Department is to send a case action notice when the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130.

FIP is temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency related activities so they can become self-supporting. Federal and state laws require each work eligible individual in the FIP group to participate in Partnership. Accountability. Training. Hope. (PATH) or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230 A

Completion of the 21 day PATH application eligibility period (AEP) part of orientation 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: (1) begin the AEP by the last date to attend as indicated on the DHS-4785, PATH Appointment Notice; (2) complete PATH AEP requirements; (3) continue to participate in PATH after completion of the 21 day AEP. The Department is to deny the FIP application if an applicant does not complete all of the above three components of the AEP. BEM 229

Bridges automatically issues the DHS-4785, PATH Program Appointment Notice at application. In generating a PATH referral and the DHS-4785 PATH Appointment Notice, Bridges will allow 6 days for the PATH referral to be processed through Central Print before requiring the client to attend PATH. BEM 229.

July 16, 2013 FIP application

The Case Manager provided credible testimony regarding the Department's actions on the Claimant's July 16, 2013 FIP application based on review of information in the Department's computer system. It was noted that a different Department worker was assigned for this FIP application. On July 19, 2013, a Verification Checklist was issued to the Claimant stating what proofs were needed by the due date. The Verification Checklist would have allowed 10 days to provide the requested verification(s). On August 28, 2013, the Claimant's July 16, 2013 FIP application was denied based on a failure to comply with verification requirements.

The Claimant testified that she received the Verification Checklist requesting proof of residency. The Claimant thought the Department already had this information on file from trying to sign up before, having submitted proof of her pregnancy and because the Department was sending mail to her address. The Claimant was also referred to PATH for this FIP application and completed the orientation. The Claimant questioned why the Department did not deny this FIP application for failure to return the residence verification until after she completed the PATH orientation.

Under the above cited BAM and BEM policies, both PATH participation and cooperation with determining eligibility are requirements for FIP eligibility. Additionally, BEM 220 addresses residency requirements. The Case Manager explained that the PATH referral would have been sent to the Claimant at the same time as the Verification Checklist. The evidence indicates the Department properly sent the Claimant a Verification Checklist explaining proof of residency was needed for the July 16, 2013 FIP application. The Claimant's testimony indicated she never responded to the July 19, 2013 Verification Checklist because she assumed the Department already had this information. However, the Claimant's testimony indicated she did not even contact the Department to confirm that they already had the information and did not need the requested verification of residency. The evidence does not establish that the Claimant made a reasonable effort to provide requested verification to the Department. Even though the Claimant completed the PATH orientation for the July 16, 2013 FIP application, the Department's determination to deny this FIP application for failure to comply with Verification Requirements must be upheld.

September 19, 2013 FIP application

On September 19, 2013, the Claimant re-applied for FIP. On September 23, 2013, a PATH Appointment Notice was issued to the Claimant for a September 30, 2013 appointment and noted that PATH must be attended within 15 days of this notice. This notice provided the number to call the Case Manager to re-schedule the appointment if needed. (Exhibit A, page 8) On October 17, 2013, the Claimant's September 19, 2013 FIP application was denied based upon failure to attend the PATH program orientation. (Exhibit A, pages 4-5)

The Department sent the September 23, 2013 PATH Appointment Notice to the Claimant at her current address at that time. The Claimant's testimony indicated she did not move until November 2013. However, The Claimant testified she received the PATH appointment notice two days after the orientation appointment date. The Claimant then called the caseworker to let her know she missed the Appointment because the notice came late. The Claimant noted that the Department never answers their phone. The Claimant indicated she requested another appointment notice, but it came late again and then she was denied.

Upon further review of the print out of correspondence the Department has sent to the Claimant, it does not appear that a second PATH appointment notice was sent with a new appointment date. Rather, it appears the September 23, 2013 PATH appointment notice was re-printed on October 29, 2013 to be included in the Department's Hearing Summary. (Exhibit A, page 12)

The Claimant's testimony that she contacted the Department to have the PATH orientation re-scheduled due to receiving the notice after the appointment date and a second PATH appointment notice was again sent late cannot be found fully credible because it not supported by the documentary evidence. There is no documentation that a second PATH appointment was scheduled and notice of the new appointment was issued to the Claimant for the September 19, 2013 FIP application. The evidence does not establish that the Claimant completed the required PATH orientation within the 21 day PATH application eligibility period for the September 19, 2013 FIP application. Accordingly, the denial of this FIP application must also be upheld.

If she has not already done so, the Claimant may re-apply for FIP benefits at any time.

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 denied the Claimant's FIP applications.

DECISION AND ORDER

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

/s/
Colleen Lack
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 10, 2014

Date Mailed: January 10, 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

CL/hj

cc: 

