

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-016598
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: January 06, 2015
County: Ingham

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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, telephone hearing was held on January 06, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUE

Did the Department properly deny the Claimant's Family Independence Program (FIP) 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 October 10, 2014, the Claimant applied for Family Independence Program (FIP) benefits and requested a deferral from the Partnership. Accountability. Training. Hope. (PATH) program.
2. On October 10, 2010, the Department referred the Claimant to the Partnership. Accountability. Training. Hope. (PATH) with an initial orientation date of October 20, 2014.
3. On October 16, 2014, the Department sent the Claimant a Medical Needs – Path (DHS-54E).
4. On October 27, 2014, the Department received the Claimant's Medical Needs – Path (DHS-54E) but it was not completed properly by her physician.
5. On November 5, 2014, the Department notified the Claimant that it had denied her Family Independence Program (FIP) application.

6. On November 14, 2014, the Department received the Claimant's request for a hearing denying her Family Independence Program (FIP) application for noncompliance with the Partnership. Accountability. Training. Hope. (PATH) program during the 21 day application eligibility period (AEP).

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 Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

All work eligible individuals (WEI), unless temporarily deferred, must engage in employment that pays at least state minimum wage or participate in employment services. Work eligible individuals (WEI) who are temporarily deferred are required to participate in activities that will help them overcome barriers and prepare them for employment or referral to an employment service provider. Department of Human Services Bridges Eligibility Manual (BEM) 230A (January 1, 2015), p 4.

Completion of the 21 day PATH application eligibility period (AEP) part of orientation is an eligibility requirement for approval of the FIP application. Department of Human Services Bridges Eligibility Manual (BEM) 229 (July 1, 2013), p 1.

Work eligible individuals (WEI) meeting the criteria for a deferral from the Partnership. Accountability. Training. Hope. (PATH) are only temporarily not referred to an employment service provider because they may continue to count in Michigan's federal work participation rate. They are required to participate in activities that will increase their full potential, help them overcome barriers and prepare them for employment or referral to an employment services provider as soon as possible. BEM 230A, p7.

Persons with a mental or physical illness, limitation, or incapacity expected to last less than three months and which prevents participation may be deferred for up to three months. When an individual claims to be disabled or indicates an inability to participate in work or PATH for more than 90 days because of a mental or physical condition the Department will evaluate their claim in a three step process. If verification of long-term incapacity is not returned, a disability is not established and the client will be required to fully participate in PATH as a mandatory participant. BEM 230A, p 11-12.

On October 10, 2014, the Claimant applied for Family Independence Program (FIP) benefits and requested a deferral from the Partnership. Accountability. Training. Hope. (PATH) program. On October 10, 2010, the Department referred the Claimant to the Partnership. Accountability. Training. Hope. (PATH) with an initial orientation date of October 20, 2014. The Claimant did not attend or reschedule this appointment. On November 5, 2014, the Department notified the Claimant that it had denied her Family Independence Program (FIP) application for noncompliance with the Partnership. Accountability. Training. Hope. (PATH) program during her 21 day application eligibility period.

On October 16, 2014, the Department sent the Claimant a Medical Needs – Path (DHS-54E) giving her the opportunity to document her inability to participate in the Partnership. Accountability. Training. Hope. (PATH) program. On October 27, 2014, the Department received the Claimant's Medical Needs – Path (DHS-54E) signed by her physician but not properly completed. The Claimant's physician failed to indicate on the form whether the Claimant is capable of performing any work.

This Administrative Law Judge finds that the Claimant failed to provide adequate documentation of short-term incapacity that would excuse her failure to attend her initial orientation appointment because the Medical Needs – Path (DHS-54E) from she submitted was incomplete.

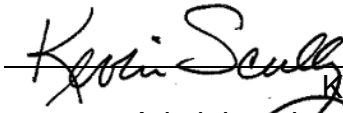
This Administrative Law Judge finds that on October 20, 2014, the Claimant had not been deferred from the Partnership. Accountability. Training. Hope. (PATH) program and had not submitted adequate documentation to refer her case to the Medical Review Team (MRT) for a determination of her long-term incapacity.

It is not disputed that the Claimant did not attend the October 20, 2014, initial orientation appointment which fits the definition of noncompliance with the Partnership. Accountability. Training. Hope. (PATH) program during the application eligibility period (AEP).

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 Family Independence Program (FIP) application.

DECISION AND ORDER

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



Kevin Scully
Administrative Law Judge
for Nick Lyon, Acting DHS Director
Department of Human Services

Date Signed: **1/12/2015**

Date Mailed: **1/12/2015**

KS/las

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 48909-07322

cc:

