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

IN THE MATTER OF:

[redacted]

Reg. No.: 14-018381
Issue No.: 1008
Case No.: [redacted]
Hearing Date: January 21, 2015
County: WAYNE-76

ADMINISTRATIVE LAW JUDGE: Robert Chavez

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 21, 2015, from Detroit, Michigan. Participants on behalf of Claimant included [redacted] Participants on behalf of the Department of Human Services (Department) included [redacted] [redacted] PATH Coordinator, [redacted], FIS, and [redacted], FIS.

ISSUE

Did the Department properly deny Claimant's FIP application for noncompliance with the PATH program?

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 applied for FIP benefits on July 24, 2014.

2. Claimant was approved for SDA benefits, even though there was no application for SDA.

3. Claimant was subsequently assigned to the PATH program.

4. One group member was required to attend PATH on September 19, 2014.

5. On September 23, 2014, this group member was removed from the benefit case.

6. After being removed from the case, this group member failed to attend PATH.

7. Claimant's FIP application was subsequently denied on November 5, 2014 for the alleged noncompliance of the group member.

8. No triage was conducted in the matter.

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.

After taking sworn testimony and examining the submitted documents and exhibits, it appears that Claimant's FIP application was not processed correctly. Claimant's application was subsequently denied due to actions of a group member who was no longer a member of the benefit group at the time of the noncompliance in question. Furthermore, Claimant was approved for the SDA program, though SDA was not applied for by the Claimant. Furthermore, the submitted evidence in this matter does not appear to be sufficient for the undersigned to develop a full understanding of exactly what actions were taken during the events in question.

As such, the undersigned holds that Claimant's application was not processed correctly, and the application should be reprocessed from scratch, retroactive to the date of application.

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 processed Claimant's 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. Reprocess Claimant's benefit application of July 24, 2014.

Robert Chavez
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **1/30/2015**

Date Mailed: **1/30/2015**

RJC / tm

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 48909-8139

cc: [redacted]