

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

IN THE MATTER OF:



MAHS Reg. No.: 15-018537
Issue Nos.: 1008, 6001
Agency Case No.: [REDACTED]
Hearing Date: November 30, 2015
County: Wayne (15) Greystone

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on November 30, 2015, from Detroit, Michigan. The Petitioner was represented by the Petitioner, [REDACTED] [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly close the Petitioner's Family Independence Program (FIP) case due to failure to comply with Partnership.Accountability.Training.HOPE. (PATH) requirements?

Did the Department properly deny the Petitioner's Child Development and Care (CDC) 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. The Petitioner applied for FIP benefits on June 5, 2015, and was approved for FIP on July 1, 2015. On July 29, 2015, Petitioner applied for CDC benefits for her children. The address listed on the application was for a [REDACTED] address making the Department the place where Petitioner's mail was to be sent. Exhibit 1.
2. Prior to CDC denial, the Petitioner completed the CDC application and provided the Department with the Provider information.

3. The Petitioner was homeless at the time she applied for FIP.
4. The Petitioner was sent a PATH Appointment notice on August 20, 2015, requesting she attend PATH on August 10, 2015. At the time of the Notice, the appointment had already passed. The PATH notice was sent to a [REDACTED], [REDACTED] address. Exhibit 1.
5. A Notice of Noncompliance was issued on August 24, 2015, for failure to comply with PATH requirements. Exhibit 2. The PATH notice was sent to a [REDACTED], [REDACTED] address.
6. The Department issued a Notice of Case Action on August 24, 2015, closing the Petitioner's FIP case effective October 1, 2015, ongoing for failure to comply with the PATH program requirements without good cause. The Department issued a second sanction closing the Petitioner's case through March 31, 2016. Exhibit 5.
7. On August 20, 2015, a CDC Provider Verification was issued. Exhibit 4.
8. The Petitioner requested a hearing protesting the Department's closure of her FIP case and denial of her CDC application.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) 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-.3131.

In this case, the Department assigned the Petitioner to PATH orientation. The Petitioner did not attend the appointment because she did not have daycare, which she had applied for. Exhibit 1. The Department also sent all of the PATH notices to the wrong address, when the Petitioner's application clearly indicated to send the mail to the Department where she could retrieve it. At the time of the application, the Petitioner was homeless and was living from place to place with her children. There were numerous addresses where she stayed for short periods. The Petitioner credibly testified that she was homeless during the period she was assigned to PATH and advised her caseworker, who has since retired, of her homelessness and the fact that she could not attend the PATH program as assigned as she had no child care. The Petitioner also credibly testified that she provided the Department her Provider information and a completed Provider verification when she met with her worker in

person. The testimony of the Petitioner was deemed credible as she knew the name of the daycare provider facility and its address. The Petitioner's worker has retired from the Department and assured the Petitioner at their meeting that he would process CDC so that Petitioner could attend PATH. Instead, the CDC was denied due to not attending PATH. Exhibit 3.

Thereafter, the Petitioner's mail was sent to the wrong address. Because the Petitioner had no child care and was homeless, she should not have been assigned to attend the PATH program. Department policy provides:

If the client is unable to obtain child care that meets the conditions above within 10 calendar days, the client may be deferred from referral to PATH for 90 days or until the child turns age six, or until appropriate care is available, whichever is sooner. Bridges will change the deferral code to mandatory participant at the end of the deferral period. Once the specialist runs and certifies eligibility, Bridges will generate the referral to PATH and the DHS-4785 will be generated. Document the referrals and results in the case record. The Deferral/Participation Reason is identified as *No Child Care Available*. BEM 230 A (October 1, 2015) p. 9.

BEM 233 A provides reasons for good cause for failure to comply with PATH requirements:

**Unplanned
Event or Factor**

Credible information indicates an unplanned event or factor which likely prevents or significantly interferes with employment and/or self-sufficiency-related activities. Unplanned events or factors include, but are not limited to, the following:

- Domestic violence.
- Health or safety risk.
- Religion.
- Homelessness.

BEM 233A (May 1, 2015), p. 5.

Based upon the above-referenced policy, the Department did not comply with either BEM 230A or BEM 233A as the Petitioner had no daycare when assigned to PATH and was homeless. In addition, her caseworker failed to process the CDC application and should have deferred Petitioner until such time daycare was approved.

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 did not

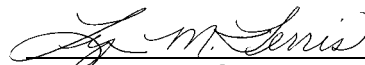
act in accordance with Department policy when it closed the Petitioner's FIP application for noncompliance with the PATH program.

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. The Department shall reinstate the Petitioner's FIP case and re-register and re-process the Petitioner's CDC application and redetermine eligibility for CDC.
2. The Department shall issue a FIP supplement to the Petitioner, if she is otherwise eligible to receive FIP benefits, in accordance with Department policy and this Hearing Decision.
3. The Department shall remove the second sanction it imposed upon the Petitioner for noncompliance with PATH program requirements.



Lynn M. Ferris

Administrative Law Judge
for Nick Lyon, Director

Department of Health and Human Services

Date Mailed: **12/4/2015**

LMF/jaf

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

