

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-002669
Issue No.: 1001
Case No.: [REDACTED]
Hearing Date: March 23, 2015
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 March 23, 2015, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], PATH Coordinator, and [REDACTED], specialist.

ISSUE

The issue is whether DHS properly determined Claimant's initial Family Independence Program (FIP) payment date.

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 9/4/14, Claimant applied for FIP benefits.
2. On 10/3/14, DHS improperly denied Claimant's FIP benefit application.
3. On an unspecified date, DHS re-registered Claimant's FIP application.
4. On 11/24/14, DHS mailed Claimant a DHS-4785 informing Claimant of an appointment to commence Partnership. Accountability. Training. Hope. (PATH) participation.
5. On 12/19/14, Claimant completed her 21st day of PATH participation.

6. On 12/23/14, DHS issued a half month worth of FIP benefits to Claimant for 12/2014.
7. On 2/13/15, Claimant requested a hearing to dispute the DHS failure to issue FIP benefits from at least since 10/2014.

CONCLUSIONS OF LAW

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

Claimant requested a hearing to dispute the DHS failure to issue FIP payments to her based on her application date of 9/4/14. It was not disputed that DHS issued payments to Claimant beginning the last half of 12/2014. DHS contended that Claimant's FIP benefits were properly issued based on Claimant's PATH attendance.

For FIP benefits, provided the group meets all eligibility requirements, DHS is to begin assistance in the pay period in which the application becomes 30 days old. BAM 115 (7/2014), p. 25. If the application becomes 30 days old and the group has not met eligibility requirements, DHS is to begin assistance for the first pay period when it does. *Id.* Completion of the 21 day PATH application eligibility period (AEP) part of orientation which is an eligibility requirement for approval of the FIP application. BEM 229 (7/2013), p. 1.

It was not disputed that Claimant completed her 21 day AEP orientation on 12/19/14. Thus, it appears that DHS properly issued FIP benefits to Claimant for the last half of 12/2014 (FIP benefit periods are divided into half months).

Claimant has reason to be irritated that she did not receive FIP benefits for benefit period before the last half of 12/2014. DHS conceded that Claimant's FIP application was initially improperly denied. DHS subsequently corrected the improper application denial however a significant delay in scheduling Claimant for PATH resulted. Claimant was not scheduled for PATH attendance until 11/24/14, over 11 weeks after Claimant applied for FIP benefits.

It is somewhat unjust that Claimant's initial benefit eligibility was delayed due to a DHS error. The injustice is somewhat offset by factoring that Claimant did not have to attend PATH during the delayed time. The injustice is also somewhat offset by factoring there will also be a delay in the final month that Claimant receives FIP benefits if Claimant

eventually meets the 5 year lifetime FIP requirements. It can be reasonably concluded that justice requires that DHS issue FIP benefits as a penalty for the error of wrongly denying Claimant's FIP application. Administrative decisions are made based on DHS' compliance with their policies. Administrative decision cannot be made based on DHS' compliance with concepts of justice. Based on DHS policy, DHS properly issued FIP benefits to Claimant beginning the last half of 12/2014.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly issued FIP benefits to Claimant, effective 12/16/14.

The actions taken by DHS are **AFFIRMED**.



Christian Gardocki
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **3/27/2015**

Date Mailed: **3/27/2015**

CG / hw

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]
Wayne-District 76/ 1843
BSC4-HearingDecisions

[REDACTED]
Christian Gardocki
AH