

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

IN THE MATTER OF:

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Reg. No.: 15-006066
Issue No.: 1008
Case No.: ██████████
Hearing Date: May 18, 2015
County: MACOMB-DISTRICT 12
(MT CLEMENS)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on May 18, 2015, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Hearing Facilitator.

ISSUE

Did the Department properly deny the Claimant's FIP Cash Assistance application for failure to attend PATH 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. The Claimant was an applicant for FIP Cash Assistance. The Claimant applied for FIP benefits on March 9, 2015.
2. The Claimant was assigned to attend Orientation pursuant to a PATH Appointment Notice dated March 11, 2015. The Claimant was to attend PATH Orientation on March 23, 2015. Exhibit A.
3. The Claimant did not attend the PATH appointment as scheduled, as her son was ill that day and she was required to care for him. The Claimant presented school attendance records for that day noting her son's absence. Claimant Exhibit 1.

4. The Claimant attempted to reschedule her PATH Appointment with her case specialist but did not receive a return call. The Claimant's specialist was not at work on March 23, 2015 or the following 5 days and did not return the Claimant's calls to reschedule her PATH appointment.
5. The Claimant requested a hearing on April 9, 2015 protesting the denial of her FIP 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 denied the Claimant's application for FIP when she failed to appear for her PATH Appointment on March 23, 2015 or reschedule the appointment within fifteen days of the PATH Appointment Notice. Exhibit A. All Work Eligible Individuals (WEIs) are required to attend the PATH Program. Noncompliance or failure to attend PATH Orientation results in application denial and group ineligibility. Applicants must complete 21 days of PATH participation before they become eligible for FIP cash assistance.

Completion of the 21 day PATH application eligibility period (AEP) part of orientation which 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:

- Begin the AEP by the last date to attend as indicated on the DHS-4785, PATH Appointment Notice.
- Complete PATH AEP requirements.
- Continue to participate in PATH after completion of the 21 day AEP.

Deny the FIP application if an applicant does not complete all of the above three components of the AEP.

When assigned, clients must engage in and comply with all PATH assignments while the FIP application is pending. PATH engagement is a condition of FIP eligibility. Failure by a client to participate fully in assigned activities while the FIP application is pending will result in denial of FIP benefits. Bridges automatically denies FIP benefits for noncompliance while the application is pending. BEM 229 (July 1, 2013) p. 6.

In this case the Claimant credibly testified that she attempted to contact her caseworker specialist on March 23, 2015 one or two times on the day of the PATH appointment to reschedule the appointment due to illness of her son. The Claimant also provided evidence based upon school attendance demonstrating her son's absence on the date in question. Claimant Exhibit 1. The Claimant also attempted to contact her specialist one more time before the end of the 15 day period provided by the Notice of Appointment and never received a return call from the Specialist. The Specialist's notes indicate that she was not a work on March 23, 2014 and for the five working days thereafter and thus did not receive the calls.

Based upon these facts it is determined that the Claimant's PATH Appointment should have been rescheduled or extended and was not due to the fact that the Specialist was unavailable. Therefore, it is determined that the Department improperly denied the Claimant's FIP application.

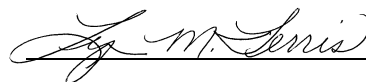
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it denied the Claimant's FIP application for failure to attend the PATH Appointment scheduled for March 23, 2015 and did not afford the Claimant an opportunity to reschedule the appointment as required by Department policy. Exhibit A.

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 re-register the Claimant's FIP cash assistance application dated March 9, 2015 and schedule a PATH Appointment Notice.



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **5/19/2015**

Date Mailed: **5/19/2015**

LMF / cl

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

