

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-010164
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: August 13, 2015
County: Washtenaw

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 August 13, 2015, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant, the Claimant's father, [REDACTED], and the Claimant's advocate, [REDACTED], from State Representative [REDACTED] office. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Family Independence Manager, [REDACTED], Departmental Analyst, [REDACTED], Program Director of Michigan Works, [REDACTED], Program Coordinator of Michigan Works, and [REDACTED], Work First Director.

ISSUE

Did the Department properly deny the Claimant's application for the Family Independence Program (FIP)?

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 April 14, 2015, the Claimant applied for FIP. Department Exhibit 5-6.
2. On April 16, 2015, the Claimant was sent to PATH with an appointment date of April 27, 2015. Department Exhibit 7.
3. On April 24 2015, the PATH Caseworker called the Claimant for a phone call orientation where the PATH Caseworker was informed by the Claimant that she was pregnant with twins and diabetic. The PATH Caseworker asked the Claimant if she got a medical needs form from her DHHS caseworker. Department Exhibit 8.

4. On April 27, 2015, the Claimant attended PATH orientation. Department Exhibit 8.
5. On May 15, 2015, the Claimant failed AEP because she never returned to PATH. Department Exhibit 8.
6. On May 29, 2015, the Department sent the Claimant a notice that her FIP application was denied.
7. On June 3, 2015, the Department received a hearing request from the Claimant contesting the Department's negative action.

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 Claimant applied for FIP on April 14, 2015. Department Exhibit 5-6. On April 16, 2015, the Claimant was sent to PATH with an appointment date of April 27, 2015. Department Exhibit 7. On April 24, 2015 the PATH Caseworker called the Claimant for a phone call orientation where the PATH Caseworker was informed by the Claimant that she was pregnant with twins and diabetic. The PATH Caseworker asked the Claimant if she got a medical needs form from her DHHS caseworker. Department Exhibit 8. On April 27, 2015, the Claimant attended PATH orientation. Department Exhibit 8. On May 15, 2015, the Claimant failed AEP because she never returned to PATH. Department Exhibit 8. On May 29, 2015, the Department sent the Claimant a notice that her FIP application was denied. BEM 210, 229, and 233A. BAM 110, 115, and BAM 600.

During the hearing, the Claimant's father stated that he provided written verification of the Claimant's condition to the Department and PATH. Unfortunately, he did not keep a copy for his records or a date stamp from the Department when submitted. However, the Department does not date stamp and give a copy back to Claimant. The Claimant's father stated that he signed in, but his name was not in the sign in sheet. He stated that he gave the verification to the Department Caseworker. The Claimant's father stated the PATH and Department caseworker stated that she would be excused. The two caseworkers were not available for the hearing and could not testify. There was a lot of hearsay and finger pointing during the hearing.

The record was left open for additional information. The Department sent a copy of the information that they received. There was a letter dated June 25, 2015 and August 6, 2015 from her treating clinical social worker and physician. There was nothing dated during the contested time period. On August 20, 2015, the Claimant's treating physician sent me a letter that I will forward to the Department who I hope will then forward a copy to PATH to excuse the Claimant from participation. According to her treating physician, the Claimant was unable to participate with PATH during the contested time period because of her high risk pregnancy of twins further complicated by her gestational diabetes. Claimant Exhibit a-c.

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 denied the Claimant's FIP application because of non-participation in PATH when the Claimant was not capable of participating in PATH.

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. Initiate a redetermination of the Claimant's eligibility for FIP based on the Claimant being unable to participate in PATH due her medical condition based on her application of April 14, 2015 for FIP.
2. Provide the Claimant with written notification of the Department's revised eligibility determination.

3. Issue the Claimant any retroactive benefits she/he may be eligible to receive, if any.

Carmen G. Fahie

Carmen G. Fahie
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **8/25/2015**

Date Mailed: **8/25/2015**

CGF/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 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:

