

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-013412
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: September 10, 2015
County: JACKSON

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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, telephone hearing was held on September 10, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. [REDACTED], Assistance Payments Supervisor represented the Department of Health and Human Services (Department). Witnesses on behalf of the Department included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department of Health and Human Services (Department) properly deny the Claimant's application for 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 July 1, 2015, the Claimant applied for Family Independence Program (FIP) benefits.
2. The Department referred the Claimant to the Partnership. Accountability. Training. Hope. (PATH) program as a requirement of receiving Family Independence Program (FIP) benefits.
3. On July 21, 2015, the Department notified the Claimant that it had denied her Family Independence Program (FIP) application.
4. On July 24, 2015, the Department received the Claimant's request for a hearing protesting the denial of her Family Independence Program (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.

Non-work eligible individuals are not required to participate in work related activities for a minimum number of hours, but must complete a FAST. Department of Health and Human Services Bridges Eligibility Manual (BEM) 228 (October 1, 2015), p 16.

As a condition of eligibility, all work eligible individuals and non-work eligible individuals must work or engage in employment and/or self-sufficiency-related activities. Noncompliance of applicants, recipients, or member adds includes failing to complete the Family Automated Screening Tool (FAST). Department of Health and Human Services Bridges Eligibility Manual (BEM) 233A (May 1, 2015), p 2.

Noncompliance by a work eligible individual while the application is pending results in group ineligibility. Department of Health and Human Services Bridges Eligibility Manual (BEM) 233A (May 1, 2015), p 7.

On July 1, 2015, the Claimant applied for FIP benefits. The Department referred the Claimant to the Partnership. Accountability. Training. Hope. (PATH) program as a condition of receiving FIP benefits. The Claimant informed the Department that she was not capable of participating in the PATH program, but failed to provide the Department with verification. On July 21, 2015, the Department notified the Claimant that it had denied her FIP application.

The Claimant argued that after giving birth to her child that she was unable to complete the assignments she was given, but failed to provide the Department with any evidence supporting her claim.

Regardless of whether the Claimant was deferred from the PATH program, she was required to complete the FAST during the period that her application was pending. The Claimant failed to complete the FAST during this period making the benefit group ineligible for FIP benefits.

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 acted in

accordance with Department policy when it denied the Claimant's Family Independence Program (FIP) application for noncompliance while her eligibility for benefits was being determined.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Kevin Scully
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **9/14/2015**

Date Mailed: **9/14/2015**

KS/■

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:

