

**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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MAHS Reg. No.: 15-024089
Issue No.: 1008
Agency Case No.: ██████████
Hearing Date: February 16, 2016
County: Wayne-District 55
(Hamtramck)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 February 16, 2016, from Detroit, Michigan. Petitioner appeared and represented herself. The Department was represented by ██████████, Assistance Payment Worker.

ISSUE

Did the Department properly deny Petitioner's November 5, 2015 Family Independence Program (FIP) application?

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 November 5, 2015, Petitioner applied for FIP benefits.
2. Petitioner's application listed a ██████████ address as her residence (Exhibit E, p. 2).
3. In a November 6, 2015, telephone interview, Petitioner advised her Department worker that she lived on ██████████.
4. On November 6, 2015, the Department sent to Petitioner, at the ██████████ address, a Verification Checklist (VCL) requesting, among other things, verification of her residential address by November 16, 2015 (Exhibit D).
5. The Department did not receive a response to the VCL.

6. On November 6, 2015, the Department sent Petitioner, at the Rutland Street address, a PATH Appointment Notice advising her that she had to go to a November 17, 2015 PATH orientation at ACCESS and complete a 21-day application eligibility period before she could be approved for FIP benefits (Exhibit A).
7. Petitioner did not attend the November 17, 2015 PATH orientation (Exhibit B).
8. On December 14, 2015, the Department sent Petitioner a Notice of Case Action, at her [REDACTED] address, denying her FIP application because she had failed to attend the PATH program orientation (Exhibit F).
9. On December 29, 2015, the Department received Petitioner's request for hearing disputing the FIP denial.

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.

The Department denied Petitioner's November 5, 2015 FIP application because Petitioner had failed to attend the PATH orientation. Generally, to be eligible for FIP, a client must complete the 21-day PATH application eligibility period (AEP), which begins with the client's attendance of the PATH orientation. BEM 229 (October 2015), p. 1. A client's failure to attend the PATH orientation and participate fully in assigned activities while the FIP application is pending will result in denial of FIP benefits. BEM 229, p. 6.

In this case, the Department sent a PATH Appointment Notice to Petitioner on November 6, 2015 at the [REDACTED] address listed on her November 5, 2015 application (Exhibit A and E, p. 2). Petitioner explained at the hearing that she had lived on [REDACTED] for two years. She testified that, when she applied for FIP, the system kept kicking out of her online FIP application, and when she was finally able to complete the application, she did not realize that it had populated the residence address on the application with her old [REDACTED] address. Both Petitioner and her worker testified at the hearing that Petitioner clarified at the November 6, 2015 telephone interview that the [REDACTED] address on the application was incorrect and should be the [REDACTED]

address. Based on the location of her residence, Petitioner's worker advised her to attend the next PATH orientation at the Resource Network on November 16, 2015 to begin her AEP. Unbeknownst to the worker, the Department's central print sent a November 6, 2015 PATH Appointment Notice to Petitioner at the [REDACTED] address notifying her that she was required to attend a PATH orientation on November 17, 2015 at ACCESS.

Petitioner never received the November 6, 2015 PATH appointment sent to the [REDACTED] address and, consequently, did not attend the November 17, 2015 PATH orientation at ACCESS. She went to the November 16, 2015 PATH orientation at Resource Network but was denied entrance. See BEM 229, p. 6 (providing that one-stop service enters will not serve clients who appear for PATH or AEP without a system-generated referral, DHS-4785).

The Department is required to explain client responsibilities in understandable terms. BAM 105 (July 2015), p. 13. Based on the facts in this case, the Department became aware that Petitioner's address on her application was incorrect on November 6, 2015, the same day the PATH Appointment Notice was sent to her at the incorrect address. Because the worker was not aware of the PATH Appointment Notice, he failed to advise Petitioner that she was required to attend the November 17, 2015 scheduled orientation at ACCESS or to assist her in rescheduling the appointment. And because the Notice was sent to Petitioner's old address, Petitioner could not be expected to receive the Notice. Under the circumstances in this case, where the Department was aware of Petitioner's correct address before the scheduled orientation date, the Department failed to explain Petitioner's responsibilities in understandable terms. Further, Petitioner established that she advised the Department of her new address and did not timely receive the Appointment Notice which was sent to her at her old address. Because Petitioner did not receive notice of the orientation appointment, the Department did not act in accordance with Department policy when it denied her FIP application based on her failure to attend the PATH orientation.

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 Petitioner's November 5, 2015 FIP application.

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. Reinstate and reprocess Petitioner's November 5, 2015 FIP application;
2. Issue supplements to Petitioner for any FIP benefits she was eligible to receive but did not from November 5, 2015 ongoing; and
3. Notify Petitioner in writing of its decision.



Alice C. Elkin
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **2/25/2016**

Date Mailed: **2/25/2016**

ACE / tlf

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: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]