



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR



Date Mailed: November 18, 2016
MAHS Docket No.: 16-014973
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 November 9, 2016, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED].

ISSUE

Did the Department properly deny Petitioner's application for FIP benefits?

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 [REDACTED], Petitioner applied for FIP benefits.
2. On [REDACTED], the Department sent Petitioner a PATH Appointment Notice which scheduled her PATH appointment for [REDACTED].
3. Petitioner appeared and participated in PATH until [REDACTED].
4. On [REDACTED], the Department sent Petitioner notice that her application for FIP benefits had been denied to due noncompliance with employment activities.

5. On [REDACTED], Petitioner filed a Request for Hearing disputing the Department's actions.

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.

Additionally, Department policy requires that clients complete the 21 day PATH 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. BEM 229 (October 2015), p. 1.

In this case, Petitioner applied for FIP benefits on [REDACTED]. Prior to this application, Petitioner had an open case for FIP benefits. Petitioner testified that her prior case closed due to a failure to timely return the Redetermination. Petitioner further testified that she was familiar with the requirements of the PATH program as she had completed the program in the past.

In her application for FIP benefits, Petitioner indicated in one section of the application that she did not have a disability. Petitioner indicated in another section that she did have a disability. Petitioner testified that she had previously been deferred from attending PATH due to awaiting a decision from the Medical Review Team. The Department testified that MRT had denied Petitioner's claim of disability; however it confirmed that Petitioner was deferred from attending PATH as a result of a stated disability. The Department further confirmed that Petitioner completed an application in September 2016 and is currently in deferral status pending a review from MRT based upon new medical evidence

In accordance with policy, the Department is required to identify and provide direct support services as needed. Child care and transportation barriers are common. MDHHS is responsible and must assist clients who present with child care or transportation barriers before requiring PATH attendance. BEM 229, p. 2. Petitioner applied for child care benefits at the same time she applied for FIP benefits on [REDACTED], [REDACTED]. Petitioner testified that she attended PATH for the first two weeks, paying for child care expenses out of pocket. Petitioner further testified that she contacted her assigned worker on [REDACTED] and informed her worker that lack of paid child care and money were barriers to her participation in PATH. Petitioner testified that she did not receive a response from her assigned worker.

Petitioner applied for child care benefits at the same time she applied for FIP benefits. This should have alerted the Department that child care could be a barrier to participation. Petitioner paid out of pocket for child care for as long as she could, and contacted her worker approximately one month prior to ceasing her participation in the PATH program. There was no evidence provided at the hearing to show that the Department assisted Petitioner in removing the barrier associated with lack of child care prior to denying her application for FIP benefits. As such, it is found that the Department improperly denied Petitioner's [REDACTED] application for FIP benefits.

DECISION AND ORDER

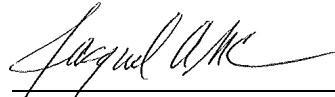
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it closed Petitioner's FIP benefits effective [REDACTED].

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. Reregister and reprocess Petitioner's [REDACTED] application for FIP benefits;
2. Issue supplements Petitioner was eligible to receive but did not; and
3. Notify Petitioner in writing of its decision.

JM/hw



Jacquelyn A. McClinton

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]