



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: December 20, 2016
MAHS Docket No.: 16-016589
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Eric J. Feldman

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 December 8, 2016, from Detroit, Michigan. The Petitioner was represented by [REDACTED] (Petitioner). The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator.

ISSUE

Did the Department properly process Petitioner's Family Independence Program (FIP) eligibility for the period of October 1, 2016 to October 15, 2016?

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 September 6, 2016, Petitioner applied for FIP benefits.
2. On September 7, 2016, the Department ran Petitioner's FIP eligibility; however, it failed to refer Petitioner to the Partnership. Accountability. Training. Hope. (PATH) orientation within 5 days of the application date. Exhibit A, p. 1 and Exhibit B, p. 1.
3. The Department ultimately referred Petitioner to the PATH program on September 29, 2016, when it issued her a PATH Appointment Notice (DHS-4785). Exhibit A, p. 9.

4. Due to the Department's error, this caused the Department to complete her PATH application eligibility period (AEP) in the second half of October 2016 (October 16, 2016 to October 31, 2016) and she only received half of October's FIP payment. Exhibit B, p. 1.
5. Petitioner's FIP group size is four and should have been entitled to [REDACTED] for October 2016. See Exhibit A, p. 5.
6. Petitioner only received [REDACTED] in FIP benefits for the period of October 16, 2016 to October 31, 2016.
7. On October 31, 2016, the Department sent Petitioner a Notice of Case Action notifying her that she was approved for FIP benefits in the amount of [REDACTED] for the period of October 1, 2016 to October 31, 2016; and [REDACTED] for the period of November 1, 2016, ongoing. Exhibit A, pp. 4-8.
8. On November 1, 2016, Petitioner filed a hearing request, protesting the Department's action. Exhibit A, pp. 2-3.
9. On December 6, 2016, the Department submitted a "Remedy Ticket Submission Form" to the "DHS-OTIM Application Support/Help Desk" indicating the Department's failure in processing the PATH referral and that Petitioner is entitled to a supplement of [REDACTED] for October 2016. Exhibit B, pp. 1-4.

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.

Upon immediate receipt of the FIP application, the specialist must run the FIP Eligibility Determination Group (EDG) in its system (Bridges) to timely generate an automated Partnership. Accountability. Training. Hope. (PATH) referral, as well as the DHS-4785, PATH Appointment Notice, to the client. BAM 115 (October 2016), p. 15. While the specialist should run the FIP EDG immediately, this must be completed within five days of the application date. BAM 115, p. 15. Certify FIP program approval or denial of the application within 45 days. BAM 115, p. 15.

For FIP benefits, provided the group meets all eligibility requirements, begin assistance in the pay period in which the application becomes 30 days old. BAM 115, p. 25. If the application becomes 30 days old and the group has not met eligibility requirements, begin assistance for the first pay period when it does. BAM 115, p. 25. The Department issues initial benefits as appropriate. BAM 115, p. 25.

The FIP monthly assistance payment standard for a group size of four is [REDACTED] however, Petitioner has budgetable income of [REDACTED], resulting in a benefit amount of [REDACTED]. Exhibit A, p. 5 and RFT 210 (December 2014), p. 1.

In the present case, the Department acknowledged that the caseworker failed to refer Petitioner to the PATH orientation within 5-days, which caused Petitioner to complete the AEP in the second half of October 2016 (October 16, 2016 to October 31, 2016) and she received only half of October's payment. Exhibit B, p. 1. The Department indicated that Petitioner is eligible for the full FIP allotment of [REDACTED]. Petitioner, though, only received [REDACTED] in FIP benefits for October 2016. As such, Petitioner is entitled to a FIP supplement of [REDACTED] for the period of October 1, 2016 to October 15, 2016, due to the agency error. See BAM 115, pp. 15 and 25; and BAM 400 (October 2015), p. 1 (The half-month that a warrant/benefit covers. A pay period is either the first through the 15th day or the 16th through the last day of the month). Petitioner did not dispute the Department's testimony.

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 improperly processed Petitioner's FIP eligibility for the period of October 1, 2016 to October 15, 2016.


Accordingly, the Department's FIP 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. Issue Petitioner [REDACTED] in FIP supplements for the period October 1, 2016 to October 15, 2016; and

2. Notify Petitioner of its decision.

EF/tm



Eric J. Feldman
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]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

CC: [REDACTED]
[REDACTED]