

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201260456
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: July 26, 2012
County: Wayne DHS (76)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on July 26, 2012 from Detroit, Michigan. Participants on behalf of Claimant included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's application for Family Independence Program (FIP) benefits due to Claimant's failure to attend Work Participation Program (WPP).

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 5/21/12, Claimant applied for FIP benefits.
2. On 5/21/12, DHS mailed a Work Participation Program Appointment Notice informing Claimant of an appointment to attend WPP orientation on 6/4/12.
3. Claimant attended the WPP orientation.
4. On 6/14/12, DHS denied Claimant's application for FIP benefits due to Claimant's alleged failure to attend WPP.

5. On 6/18/12, Claimant requested a hearing to dispute the FIP benefit denial.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* DHS administers the FIP pursuant to MCL 400.10, *et seq* and MAC R 400.3101-3131. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

DHS requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. BEM 233A at 1. The DHS focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. *Id.* However, there are consequences for a client who refuses to participate, without good cause. *Id.*

Mandatory work participation program clients are referred to the work participation program (WPP) upon application for FIP, when a client's reason for deferral ends, or a member add is requested. BEM 229 at 3. All work participation program referrals are sent by Bridges (the DHS database). *Id.* Bridges automatically denies FIP when a client fails to continue to participate while the FIP application is pending. *Id.* at 4. Clients can reapply for FIP at any time after their application is denied for failing to appear or participate with the work participation program. *Id.*

The present case involves a denial of a FIP benefit application based on Claimant's alleged failure to attend a WPP orientation. DHS testified that their records failed to note any appearance by Claimant at WPP. Claimant brought two documents to the hearing to verify otherwise. Claimant showed DHS a sign-in sheet from WPP from 6/4/12; the document verified that Claimant attended WPP on 6/4/12. Claimant also presented DHS with a letter on WPP stationary which stated that Claimant was sent home by the WPP on 6/4/12 because of issues concerning Claimant's address and the jurisdiction of the WPP site to which Claimant was to report. The jurisdictional problem was not the fault of Claimant. It is found that Claimant attended WPP orientation on 6/4/12.

It was not disputed that the FIP application denial was solely based on Claimant's alleged failure to attend WPP. Based on the finding that Claimant attended WPP, it is accordingly found that the FIP benefit application was improper.

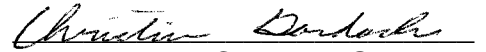
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for FIP benefits. It is ordered that DHS:

1. reinstate Claimant's FIP benefit application dated 5/21/12;
2. process Claimant's application subject to the finding that Claimant attended WPP on 6/4/12; and

3. supplement Claimant for any benefits not received as a result of the improper application denial.

The actions taken by DHS are REVERSED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 30, 2012

Date Mailed: July 30, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases).

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail to:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

