

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

**IN THE MATTER OF:**



Reg. No.: 201269853  
Issue No.: 1038  
Case No.:   
Hearing Date: October 15, 2012  
County: Wayne DHS (15)

**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 October 15, 2012 from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of Department of Human Services (DHS) included , 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 5/4/12, Claimant applied for FIP benefits.
2. Claimant's application was back-registered by DHS for the date of 2/29/12 because it was a "TC-60" application.
3. On 5/5/12, DHS mailed Claimant a Notice of Case Action to Claimant denying Claimant's FIP benefit application for unspecified reasons.
4. DHS subsequently mailed Claimant a notice to attend a WPP orientation scheduled for 6/25/12

5. Claimant failed to attend the WPP orientation because she thought that her FIP application was already denied.
6. On 7/13/12, DHS denied Claimant's application for FIP benefits due to Claimant's failure to attend WPP orientation.
7. On 7/24/12, Claimant requested a hearing to dispute the FIP application 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, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are contained 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 (5/2012), p. 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 (12/2011), p. 3. All work participation program referrals are sent by Bridges (the DHS database). *Id.*

The present case involves a denial of a FIP benefit application based on Claimant's alleged failure to attend a WPP orientation. It was not disputed that DHS mailed Claimant a notice to attend the WPP orientation and that Claimant failed to attend the WPP orientation. This evidence is persuasive in finding that DHS properly denied Claimant's FIP benefit application.

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.*

Claimant testified that she received a FIP application denial notice shortly after she applied. DHS confirmed that a Notice of Case Action was mailed to Claimant on 5/5/12. DHS presumably sent the notice of denial dated 5/5/12 in error because DHS again denied Claimant's FIP benefit application on 7/13/12.

Claimant explained that she failed to attend the WPP orientation on 6/25/12 only because her FIP benefit application was thought to be already denied. In other words, Claimant wondered why put forth the effort in going to WPP if DHS already denied her FIP application. Under the circumstances of the present case, Claimant's thought process was utterly reasonable. DHS cannot fault Claimant for failing to attend WPP orientation when a premature application denial led Claimant to believe that attending would not lead to FIP benefit approval. Claimant had no reason to think that her FIP application was pending due to the premature denial notice. Based on the presented evidence, it is found that DHS improperly denied Claimant's application for FIP benefits.

### **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 5/4/12 for the date of 2/29/12; and
2. process Claimant's application subject to the finding that Claimant was not given notice of WPP orientation obligation during a time when her application was known to be pending.

The actions taken by DHS are REVERSED.



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

Date Signed: 10/24/2012

Date Mailed: 10/24/2012

**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:

