

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201260487
Issue No.: 4031, 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 included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUES

The first issue is whether DHS properly evaluated Claimant for State Disability Assistance (SDA) based on disability.

The second issue is whether DHS properly denied Claimant's application for Family Independence Program (FIP) benefits prior to giving Claimant an opportunity 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 1/19/12, Claimant applied for cash assistance.
2. As a parent to a minor child, Claimant was potentially eligible to receive FIP benefits.
3. As a person claiming to be disabled, Claimant was potentially eligible for SDA benefits.

4. DHS evaluated and denied Claimant for a potential deferral from a WPP participation requirement based on an alleged disability (see Exhibit 1).
5. DHS did not evaluate Claimant's disability in reference to SDA eligibility.
6. On 5/10/12, mailed Claimant a notice denying the WPP deferral and SDA.
7. On 5/17/12, Claimant requested a hearing to dispute the denial of cash assistance.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

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.

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, R 400.3151 through R 400.3180.

SDA and FIP are cash assistance programs. Claimant applied for cash assistance on 1/19/12 and was subsequently denied both programs. For either program, Claimant's allegation of a long-term disability is relevant. The analysis for each will be considered separately.

For FIP benefits, clients may have an obligation to attend WPP as a requirement for receiving FIP benefits. For clients claiming a long-term disability, DHS employs a Medical Review Team (MRT) to determine whether a client disability prevented WPP attendance. It was not disputed that on 5/14/12, MRT denied Claimant's request for deferral from WPP participation.

DHS noted that Claimant may not request a hearing to solely dispute a denial of a WPP deferral. DHS is correct. However, DHS did not just deny the WPP deferral; DHS also denied the FIP benefit application. Denial of a FIP benefit application is a hearable issue. Thus, it can be determined whether DHS properly denied Claimant's FIP benefit application.

Following a WPP deferral denial, DHS is to refer the client to the WPP providing information on any limitations to full participation using additional information and case notes

when sending the referral. BEM 230A at 16. It was not disputed that DHS failed to present any evidence that Claimant was sent to WPP following the denial of the WPP deferral. It is found that DHS failed to refer Claimant to WPP participation following denial of Claimant's deferral; accordingly, the denial of Claimant's FIP benefit eligibility was improper.

There was also a dispute concerning Claimant's SDA eligibility. A person is disabled for SDA purposes if he or she (see BEM 261 at 1):

- receives other specified disability-related benefits or services;
- resides in a qualified Special Living Arrangement facility;
- is certified as unable to work due to mental or physical disability for at least 90 days from the onset of the disability; or
- is diagnosed as having Acquired Immunodeficiency Syndrome (AIDS), see Medical Certification of Disability

There was no evidence that any of the above circumstances apply to Claimant. Accordingly, Claimant may not be considered for SDA benefit eligibility without undergoing a medical review process which determines whether Claimant is a disabled individual. *Id.* at 3.

DHS verified that the MRT evaluated Claimant for disability related to WPP deferral (see Exhibit 1). The denial for WPP deferral was silent concerning Claimant's request for SDA. A denial of WPP deferral does not necessarily equate to a denial of SDA. There are different standards and different criteria. It is found that DHS failed to evaluate Claimant for disability as it relates to SDA.

A denial of a WPP deferral based on disability makes it probable that DHS will deny Claimant's request for SDA based on disability. If, and when, DHS denies Claimant's SDA (and or FIP), Claimant is encouraged to again request a hearing if she disagrees with the decision.

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 and SDA benefits. It is ordered that DHS:

- (1) reinstate Claimant's application dated 1/19/12 for SDA and FIP benefits; and
- (2) process Claimant's eligibility for FIP eligibility subject to the finding that DHS failed to refer Claimant for WPP participation; and
- (3) process Claimant's eligibility for SDA subject to the finding that DHS failed to evaluate Claimant's disability based on SDA program standards.

The actions taken by DHS are REVERSED.



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

Date Signed: July 31, 2012

Date Mailed: July 31, 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:

