

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

IN THE MATTER OF:



Reg. No.: 201267143
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: October 3, 2012
County: Wayne DHS (55)

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 3, 2012 from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [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 5/1/12, Claimant applied for FIP benefits.
2. Claimant's application was back-registered by DHS for the date of 2/29/12.
3. 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.
4. Claimant failed to attend the WPP orientation.
5. On 7/11/12, DHS denied Claimant's application for FIP benefits due to Claimant's failure to attend WPP orientation.

6. On 7/16/12, 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, 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.* 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. As verification that Claimant had notice of a WPP appointment, DHS presented a Work Participation Program Appointment Notice dated 5/21/12 (Exhibit 1). The notice verified an appointment for Claimant to attend WPP on 6/4/12. Claimant conceded that she did not attend the WPP orientation and stated she did not go because she did not receive the notice.


It was not disputed that Claimant's mailing address on the orientation notice was verified as Claimant's correct mailing address. DHS also obtained correspondence history from their database which verified that the documents were centrally printed (i.e. computer generated). The fact the documents were centrally printed makes it more likely that the documents were mailed by DHS because the automated system removes the element of human error. The proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976). DHS established a presumption of proper mailing of the WPP orientation and triage meeting notice.

Claimant stated that she lives in a residence where it is required that she walk a lengthy distance to get her mail. Claimant testified that her chore service provider gets her mail for her and speculated that perhaps the chore service provider misplaced the orientation notice. Claimant's testimony was unverified and insufficient to rebut the presumption of proper mailing. Based on the presented evidence, it is found that DHS properly mailed a notice to attend WPP orientation and that Claimant failed to attend the orientation.

It was not disputed that the FIP application denial was solely based on Claimant's alleged failure to attend WPP. As Claimant failed to attend WPP, it is accordingly found that DHS properly denied Claimant's FIP benefit application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's application dated 5/1/12 for FIP benefits. The actions taken by DHS are AFFIRMED.


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

Date Signed: 10/12/2012

Date Mailed: 10/12/2012

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:

201268474/CG

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

CG/hw

cc:

