

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201269183
Issue No.: 1038
Case No.: [REDACTED]
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 [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 4/30/12, Claimant applied for FIP benefits.
2. On 6/22/12, DHS mailed a Work Participation Program Appointment Notice informing Claimant of an appointment to attend WPP orientation on 7/9/12.
3. Claimant failed to attend the WPP orientation because of a medical appointment for her son.
4. On 7/16/12, DHS denied Claimant's application for FIP benefits due to Claimant's failure to attend WPP orientation.

5. On 7/23/12, 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 undisputed failure to attend a WPP orientation. The failure by a client to attend WPP orientation does not necessarily guarantee a proper application denial.

Either DHS or the one-stop service center may extend the last day the client has to attend orientation when necessary. *Id.*, p. 5. DHS is to extend this date directly on MIS before the twentieth day passes. *Id.*

The above policy implies that clients can get a second date to attend orientation. The circumstances of "when necessary" would reasonably allow second chances to attend orientation if good cause is presented for missing the first orientation date.

Claimant stated that she missed the orientation because of a medical obligation for her son. Claimant presented DHS with documentation verifying the obligation. The documentation was described by DHS as authentic concerning verification of a medical obligation on the date of orientation but the time of the appointment was disputed.

DHS suggested that the document verified a 3:00 p.m. appointment but the paperwork appeared to be doctored to an all-day appointment. DHS contended that an afternoon

medical appointment would not qualify as good cause for missing a WPP orientation scheduled for the morning.

Claimant responded that her child is schizophrenic and requires regular weekly medical appointments. Claimant stated that her son required two appointments on the day of WPP orientation, one in the morning and one in the afternoon. Claimant stated that the scribbling of the time on her letter verifying the appointments was done by a staff member at her doctor's office and was not an attempt by her to doctor the letter. Claimant also testified that she gets the appointments when she can get them even if it results in two appointments in a day.

DHS had some reason to question whether Claimant's son had medical appointments on the morning of orientation. It is atypical for persons to have one morning and one afternoon appointment on the same date. It could also be reasonably contended that Claimant should have rescheduled her WPP orientation appointment prior to the date of orientation. However, it was not disputed that Claimant had at least an afternoon medical appointment for her son. It was not disputed that Claimant attempted to reschedule the WPP orientation within the days following the missed orientation. It is plausible, but not definitive, that Claimant missed the WPP orientation and provided doctored documents for her excuse; it is equally or more plausible that Claimant had a valid excuse for missing the orientation.

It should be noted that it is not of any concern that Claimant failed to reschedule the missed WPP orientation within 20 days of her application date. DHS waited over fifty days from the date of Claimant's FIP benefit application to schedule Claimant for a WPP orientation. It was not disputed that Claimant attempted to reschedule her orientation within days after missing it. DHS cannot legitimately fault Claimant for missing the 20 day deadline when DHS' delay was the actual cause.

Based on the presented evidence, it is found that Claimant had good cause for missing the WPP orientation and that DHS failed to extend Claimant's last day to attend orientation. Accordingly, the DHS denial of FIP benefits is found to be 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 4/30/12; and
2. process Claimant's application subject to the finding that DHS failed to extend Claimant's last date to attend WPP orientation.

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:

