

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201325959  
Issue No.: 1038  
Case No.: [REDACTED]  
Hearing Date: February 28, 2013  
County: Wayne DHS (17)

**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 February 28, 2013, from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager.

**ISSUE**

The issue is whether DHS properly denied Claimant's application for Family Independence Program (FIP) benefits due to Claimant's fiancé's alleged failure to participate with Partnership. Accountability. Training. Hope. (PATH).

**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 12/13/12, Claimant applied for FIP benefits.
2. Claimant was part of a FIP benefit group that included her fiancé.
3. On 12/21/12, DHS mailed Claimant a Work Participation Appointment Notice informing Claimant's fiancé of an appointment to attend PATH orientation on 1/2/13.
4. Claimant's fiancé attended the orientation but did not return to PATH after reporting a disability that could affect his PATH attendance.
5. DHS failed to evaluate Claimant's fiancé for a potential disability.

6. On 1/15/13, DHS denied Claimant's application for FIP benefits due to Claimant's fiancé's failure to continue PATH participation.
7. On 1/23/13, 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 PATH clients are referred to PATH upon application for FIP, when a client's reason for deferral ends, or a member add is requested. BEM 229 (1/2013), p. 3. All PATH referrals are sent by Bridges. *Id.* Bridges will generate an automated PATH referral to the one-stop service centers' One Stop Management Information System (OSMIS), as well as generating a DHS-4785, PATH Appointment Notice, which is sent to the participant. *Id.* Clients can reapply for FIP at any time after their application is denied for failing to appear or participate with PATH. *Id.*, p. 4.

The present case involves a denial of a FIP benefit application based on Claimant's fiancé's alleged failure to attend a WPP orientation on 1/2/13. Claimant contended that her fiancé attended the orientation, but that he was sent home by WPP staff after he reported a disability that could affect future WPP attendance. Neither side presented evidence which could verify whether Claimant's fiancé attended WPP; nevertheless, the dispute can be decided on a separate, but related issue.

At intake, redetermination or anytime during an ongoing benefit period, when an individual claims to be disabled or indicates an inability to participate in work or PATH for more than 90 days because of a mental or physical condition, the client should be deferred in Bridges. BEM 230A (1/2013), p. 9. Conditions include medical problems such as mental or physical injury, illness, impairment or learning disabilities. This may include those who have applied for RSDI/SSI. *Id.*

The above policy requires DHS to evaluate PATH participants for the ability to attend PATH, if the participant raises a claim of disability. It was not disputed that DHS failed to evaluate Claimant's fiancé for the ability to attend PATH prior to attendance. It was disputed whether a claim of disability was reported to DHS.

During the hearing, DHS presented Claimant's FIP benefit application to Claimant. It was not disputed that Claimant's application failed to list her fiancé as a potentially disabled individual. This is potentially decisive evidence that Claimant failed to report that her fiancé had a potential disability.

It was also established that on 1/15/13, DHS mailed a Notice of Case Action to Claimant denying the FIP benefit application. Claimant's specialist wrote the following statement on the Notice of Case Action, "your family needs to apply for social security due to your Husband prognosis of permanently being disabled". Because Claimant is unmarried, presumably, the specialist was referring to Claimant's fiancé. The specialist's statement on the denial notice is persuasive evidence that DHS knew that Claimant's fiancé raised a claim of disability.

The proper DHS response to the claim of disability would have been to defer the fiancé from PATH participation until a medical determination was made. Instead, DHS denied Claimant's FIP benefit application. It is found that DHS improperly 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 improperly denied Claimant's application for FIP benefits. It is ordered that DHS:

1. re-register Claimant's FIP benefit application dated 12/13/12; and
2. initiate evaluation of Claimant's fiancé's deferral from PATH based on long-term incapacity.

The actions taken by DHS are REVERSED.



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

Date Signed: 3/5/2013

Date Mailed: 3/5/2013

**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:

