

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-34383
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: July 15, 2013
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 July 15, 2013, from Detroit, Michigan. Participants included the above-named Claimant. [REDACTED] appeared as Claimant's authorized hearing representative. Participants on behalf of the 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.

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 1/8/13, Claimant applied for FIP benefits.
2. Claimant's application listed that Claimant had a disability.
3. On an unspecified date, DHS mailed Claimant a PATH orientation appointment notice.
4. Claimant did not attend PATH orientation.
5. On 2/22/13, DHS denied Claimant's FIP benefit application due to Claimant's failure to attend PATH orientation.

6. Prior to 2/22/13, DHS failed to request information concerning Claimant's disability.
7. On 3/1/13, Claimant requested a hearing to dispute the FIP 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 (1/2013), p. 1. The focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. *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 (1/2013), p. 3. All Work Participation Program referrals are sent by Bridges (the DHS database). *Id.* Bridges (the DHS database) automatically denies FIP when a client fails to continue to participate while the FIP application is pending. *Id.*, p. 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.*

It was not disputed that DHS mailed Claimant a notice to attend PATH orientation and that Claimant failed to attend. It was disputed whether Claimant alleged a long-term disability and whether DHS should have evaluated Claimant for a potential disability prior to sending Claimant to attend PATH.

Claimant testified that her Assistance Application noted a claim for long-term disability. DHS was unable to provide the Assistance Application to suggest otherwise. It is found that Claimant's application claimed a long-term disability.

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.*

Determination of a long-term disability is a three step process. BEM 230A, p. 10. For step one, once a client claims a disability he/she must provide DHS with verification of the disability when requested. BEM 230A, p. 10. The verification must indicate that the disability will last longer than 90 calendar days. BEM 230A, p. 10. If the verification is not returned, a disability is not established. BEM 230A, p. 10. The client will be required to fully participate in PATH as a mandatory participant. BEM 230A, p. 10. For step two, verified disabilities over 90 days, the specialist must submit a completed medical packet and obtain a MRT (Medical Review Team) decision. BEM 230A, p. 10. Step three involves the referral to MRT. See BEM 230A, pp. 10-11. Upon the receipt of the MRT decision, the Department reviews the determination and information provided by MRT. BEM 230A, p. 11. The Department establishes the accommodations the recipient needs to participate in PATH or to complete self sufficiency-related activities. BEM 230A, p. 11.

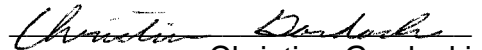
It was not disputed that DHS failed to request any disability-related documents from Claimant prior to denying the application. The failure by DHS to make such a request was improper. Accordingly, the FIP application denial was also improper.

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. re-register Claimant's FIP benefit application dated 1/8/13; and
2. initiate reprocessing of Claimant's application subject to the findings that Claimant's application asserted that Claimant had a long-term disability and that DHS failed to evaluate Claimant for PATH deferral.

The actions taken by DHS are REVERSED.


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

Date Signed: 7/23/2013

Date Mailed: 7/23/2013

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 affect the substantial rights of the claimant,
 - 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 at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

