

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2009-17609
Issue No: [REDACTED]
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 15, 2009
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on April 15, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly deny claimant's Family Independence Program (FIP) and Medicaid (MA) application in October, 2008?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. Claimant applied for FIP, MA and FAP on September 4, 2008.
2. On September 4, 2008, department gave the claimant a Verification Checklist, DHS-3503-C, asking her to provide proof of citizenship for herself and her two children, by September 15, 2008 (Department's Exhibit #1).

3. On October 3, 2008, department sent the claimant a notice denying her FIP and MA application due to her failure to return proof of citizenship (Department's Exhibit #2). Claimant requested a hearing on December 1, 2008.

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, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Departmental policy states:

**CLIENT OR AUTHORIZED REPRESENTATIVE
RESPONSIBILITIES**

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, p. 5.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. PAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, Item 105, p. 8.

Assisting the Client

All Programs

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English. PAM, Item 105, p. 9.

VERIFICATION AND COLLATERAL CONTACTS

DEPARTMENT POLICY

All Programs

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Obtain verification when:

- . required by policy. PEM items specify which factors and under what circumstances verification is required.
- . required as a local office option. The requirement **must** be applied the same for every client. Local requirements may **not** be imposed for MA, TMA-Plus or AMP without prior approval from central office.

- information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party. PAM, Item 130, p. 1.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. PAM, Item 130, p. 1.

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see “**Timeliness Standards**” in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. PAM, Item 130, p. 2.

The client must obtain required verification, but you must assist if they need and request help. PAM, Item 130, p. 2.

Timeliness Standards

All Programs (except TMAP)

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. PAM, Item 130, p. 4.

That the claimant was required to provide proof of citizenship to obtain FIP and MA benefits is not in dispute. PEM 225. Claimant testified that she was living in a domestic violence shelter at the time of her FIP, MA and FAP application of September 4, 2008.

Departmental staff testified at the hearing that claimant’s application states that she is living at

██████████ that this is indeed a domestic violence shelter familiar to departmental staff, and

that telephone numbers for the shelter can be located by staff. Claimant further testified that she

had to apply for birth certificates from other states in order to prove citizenship. Evidence

provided for the hearing includes claimant’s birth certificate from the State of ██████████, birth

certificate for her daughter from the State of [REDACTED], and birth certificate for her son from the State of [REDACTED] received by the department at the end of October, 2008. Claimant states that she had tried to call her caseworker several times prior to the denial of her FIP and MA application on October 3, 2008 to tell her she was having a problem providing the birth certificates within the time frame given her, but the caseworker never returned her calls. Claimant further states that she then tried to call the caseworker's supervisor and left her messages, as she was told by the telephone operator to call the supervisor because her worker was not returning her calls. The supervisor is present at the hearing and states that documentation shows she did receive a telephone message from the claimant and returned her call at the end of the day on October 6, 2008. October 3, 2008, was a Friday and October 6, 2008 was a Monday. The fact that the supervisor did talk to the claimant the first working day after her application was denied lends credibility to her claim that she did try to call her worker previously and resorted to calling the supervisor when she could not reach her and did not hear from her. Furthermore, while the claimant's caseworker testified that she could not reach the claimant at the telephone numbers she had previously left for her, she did manage to reach her by telephone after the application was denied. Claimant did state that she provided a different telephone number at that time, but the department also had knowledge that the claimant was at [REDACTED] and could have attempted to contact the claimant there after receiving her telephone messages. It is also noted that departmental programs do give special consideration to individuals in domestic violence shelters, such as temporary deferrals from employment-related activities, possible help with permanent housing based on such circumstances, etc. Claimant may have had to leave all of her personal paperwork behind when she went into a domestic violence shelter. This is additional reason besides testimony that establishes that the claimant

very likely did try to contact her caseworker prior to FIP and MA denial to let her know she was having a problem obtaining citizenship verification that the department should have given her additional time and possible additional assistance (as stated in the above-quoted policy) to obtain documents needed to receive FIP and MA benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly denied claimant's FIP and MA application in October, 2008.

Accordingly, department's action is REVERSED. Department shall:

1. Process claimant's disputed FIP and MA application of September 3, 2008.
2. Issue the claimant any FIP and MA benefits she did not receive as a result of the department's denial of this application, if she meets other eligibility requirements.
3. Notify the claimant in writing of this determination.

SO ORDERED.

/s/

Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 20, 2009

Date Mailed: April 21, 2009

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

IR [REDACTED]

cc:

[REDACTED]