

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: 2009-6660

Issue No: 1005

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

February 4, 2009

Wayne 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 February 4, 2009. Claimant personally appeared and testified along with her husband [REDACTED]

ISSUE

Did the department correctly deny claimant's Family Independence Program (FIP) 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 on September 17, 2008. On September 25, 2008, department gave the claimant's husband a Verification Checklist listing various information

needed to determine FIP eligibility with a due date of October 7, 2008 (Department's Exhibit #1).

2. The Checklist asked for a DHS-54-A, Medical Needs form, to be completed regarding any medical condition the claimant may have that would prevent her from working. DHS-54-A was enclosed with the Checklist (Department's Exhibit #2).

3. The Checklist also stated "Both adults are mandatory Work First participants unless a deferral reason has been verified. Return all requested verification by due date for determination of FIP program".

4. Department also gave the claimants two Work First/Jobs, Education and Training (WF/JET) Appointment Notices scheduling appointments with WF/JET program staff for October 6, 2008 (Department's Exhibits #5 and 6).

5. Claimants did not return the DHS-54-A by the due date, or keep October 6, 2008, WF/JET appointments. On October 7, 2008, department again scheduled WF/JET appointments for the claimants for October 13, 2008, by sending them additional WF/JET Appointment Notices (Department's Exhibits #3 and 4).

6. Claimants did not attend WF/JET. On October 13, 2008, department mailed an Application Eligibility Notice denying claimant's FIP application due to claimants' failure to participate with mandatory WF program and deferral verification not being provided timely (Department's Exhibit #7).

7. Claimant requested a hearing on December 9, 2008, saying she is in very bad health and cannot be left alone.

8. Claimant testified at the hearing that she could not get a doctor's appointment until October 9, 2008, but that she did fax the DHS-49-A regarding her medical condition to her caseworker prior to the denial date of October 13, 2008.

9. Claimant further stated she would provide proof from her fax machine records to show she indeed send requested information to the department, and this would be done on the day of the hearing. Claimant however failed to do so even after more than 18 days passed since the hearing date.

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).

Department's 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.

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.

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.

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed and the client has not made a reasonable effort to provide it. PAM, Item 130, p. 4.

In claimant’s case when she applied for FIP benefits she apparently indicated she had medical issues that may prevent her from participating in employment and self-sufficiency-related activities. Department must refer all non-deferred/mandatory clients to WF/JET upon application for FIP. DHS-4785, JET Appointment Notice, is used at application to schedule appointments for each mandatory JET participant. PEM Item 229, p. 2. Department did give such notices to the claimants on September 25, 2008, scheduling a JET appointment for October 6, 2008. However, department also gave the claimant a DHS-54-A, Medical Needs form, on September 25, 2008, to be completed by her doctor. When a client claims some type of medical issues that may be a barrier to JET participation, departmental policy requires that department give DHS-54-A to such client. PEM Item 230A. If the claimant had returned DHS-54-A, department could then have assessed any medical barriers to her participation in the

JET program. Claimant however failed to do so by the due date of October 7, 2008, after being given 10 days, in accordance with departmental policy quoted above to do so. Claimant and her husband also failed to attend the JET appointment of October 6, 2008. Department then gave the claimants second opportunity to attend the JET program, on October 13, 2008, however, claimants once again failed to attend. Department's testimony is that claimant never returned the DHS-54-A either. Claimant testified she faxed this form to the department prior to FIP application denial date, but department disputes this testimony stating no such form was received. Claimant's caseworker did follow departmental policy in handling of claimant's case (i.e. by giving her appropriate forms and time limits to return them) and documentation provided for this hearing clearly shows this. Claimant's husband testified that he can obtain proof of the faxed information from his fax machine, and that he can provide that within hours after completion of the hearing. More than 18 days have passed since the date of the hearing and according to the information received from the local county office claimants have failed to provide fax verification. This Administrative Law Judge therefore finds that department's evidence and testimony are credible in establishing that the claimants indeed did not return required medical information, and also failed to attend JET appointments set up for them on two different dates. Failure by a client to participate fully in assigned activities while the FIP application is pending will result in denial of FIP benefits, if upon the day of case processing the client is in noncompliance with JET. PEM, Item 229, p. 2. Department therefore acted in accordance with this policy when claimant's FIP application was denied.

DECISION AND ORDER

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

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/

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

Date Signed: February 26, 2009

Date Mailed: February 27, 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.

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