

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: 2009-15937
Issue No: 1005; 1038
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 15, 2009
Macomb 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 take action to terminate claimant's Family Independence Program (FIP) benefits in January, 2009?

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 was a FIP recipient when she indicated that she could not meet the employment requirements of FIP eligibility.
2. Department requested the claimant provide medical information. Claimant did so, and this information was forwarded to department's Medical Review Team (MRT) for review of possible deferral from employment-related activities.

3. On December 3, 2008, MRT requested a typed internist exam in narrative format be provided, and deferred their decision until receipt of such narrative.

4. On December 8, 2008, department mailed the claimant a Verification Checklist giving her until December 18, 2008, to provide the typed internist exam in narrative form.

5. Claimant did not provide the narrative by the due date and department took action to terminate her FIP benefits effective January 28, 2009. Claimant requested a hearing on January 26, 2009, and department deleted FIP negative action pending the outcome of this hearing.

6. Department subsequently scheduled an appointment for a new exam with Health Medical Clinic for the claimant for March 26, 2009 (Department's Hearing Summary).

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).

Claimant was asked to provide a narrative exam report as requested by MRT. Claimant testified that her doctor would not provide the narrative exam report. 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.

Client Cooperation

The client is responsible for providing evidence needed to prove disability or blindness. However, you must assist the client when they need your help to obtain it. Such help includes the following:

- . Scheduling medical exam appointments
- . Paying for medical evidence and medical transportation
- . See PAM 815 and 825 for details. PEM, Item 260, p. 4.

Claimant apparently reported her doctor's refusal to provide the narrative exam report to her caseworker. Claimant's caseworker acted in accordance with departmental policy when she then assisted the claimant by scheduling another medical exam in order to obtain medical information requested by MRT. Such exam was scheduled for March 26, 2009, and exam report will be forwarded to MRT for additional review and determination if the claimant should indeed be deferred from participating in employment-related activities. Department's action to terminate claimant's FIP benefits was incorrect, but subsequent action to assist the claimant by scheduling the medical appointment was correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly took action to terminate claimant's FIP benefits in January, 2009.

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

1. Continue claimant's FIP benefits without interruption.
2. Forward additional medical evidence to MRT.

3. If the claimant is denied a deferral from employment-related activities or if MRT determines she can participate in such activities with limitations, department shall inform the claimant and schedule an appointment with Work First/Jobs, Education and Training program for her.

4. Claimant is advised that she must participate in employment-related activities if she is not deferred from such activities by MRT, or she may be subject to sanctions that could result in termination of her FIP benefits.

SO ORDERED.

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

Date Signed: April 22, 2009

Date Mailed: April 23, 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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