

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: 2009-2251
Issue No: 1038; 2006; 3028
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 8, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Wednesday, April 8, 2009. The claimant personally appeared and testified on her own behalf.

ISSUE

Did the department properly deny the claimant's application for Food Assistance Program (FAP), Family Independence Program (FIP), and Medical Assistance (MA-P)?

FINDINGS OF FACT

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

- (1) On July 14, 2008, the claimant applied for MA-P, FAP, and FIP benefits.
- (2) On July 14, 2008, the department caseworker interviewed the claimant where she stated that she may be disabled, resulting in the claimant receiving a Medical Needs form that the claimant was to take to her doctor and return to the department by July 24, 2008. (Department Exhibit 1)
- (3) On September 3, 2008, the department caseworker sent the claimant a notice that her application for FIP had been denied because the claimant did not return the medical documentation that she was unable to attend work activities. (Department Exhibit 2)
- (4) On September 26, 2008, the department received a hearing request from the claimant, contesting the department's negative action.
- (5) During the hearing, the department stated that the claimant received MA based on dependent children and FAP for the time period contested, so the claimant has lost no benefits for that time period and the claimant concurred.
- (6) During the hearing, the department caseworker testified that the claimant failed to return the Medical Needs form that was due July 24, 2008, but her FIP case was not closed until September 3, 2008.
- (7) During the hearing, the claimant stated that she had submitted the form to her doctor who had told her that they had turned in the form on her behalf, but the claimant never called the caseworker to confirm the department had received it.
- (8) During the hearing, this Administrative Law Judge determined that the claimant was not referred to JET once the Medical Needs form had not been submitted in a timely manner as required.

(9) During the hearing, the department caseworker concurred that the claimant had not been referred to JET as was required, but that the claimant's FIP denial was based on the fact that she did not complete a FAST form within 30 days of her July 14, 2008 application. The claimant did not complete the FAST form until August 20, 2008. As a result, the claimant could reapply for FIP.

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 Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. 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).

The department's Program Eligibility Manual provides the following policy statements and instructions for caseworkers:

DEPARTMENT PHILOSOPHY

FIP

DHS requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. Our focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate, without good cause.

The goal of the FIP penalty policy is to obtain client compliance with appropriate work and/or self-sufficiency-related assignments and to ensure that barriers to such compliance have been identified and removed. The goal is to bring the client into compliance.

Noncompliance may be an indicator of possible disabilities. Consider further exploration of any barriers.

DEPARTMENT POLICY

FIP

A Work Eligible Individual (WEI), see PEM 228, who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized.

See PEM 233B for the Food Assistance Program (FAP) policy when the FIP penalty is closure. For the Refugee Assistance Program (RAP) penalty policy, see PEM 233C. PEM 233A, p. 1.

NONCOMPLIANCE WITH EMPLOYMENT AND/OR SELF-SUFFICIENCY-RELATED ACTIVITIES

As a condition of eligibility, all WEIs and non-WEIs must work or engage in employment and/or self-sufficiency-related activities. Noncompliance of applicants, recipients, or member adds means doing any of the following without good cause:

- . Failing or refusing to:
 - ..
 - .. Appear and participate with the Jobs, Education and Training (JET) Program or other employment service provider.
 - ..
 - .. Complete a Family Automated Screening Tool (FAST), as assigned as the first step in the FSSP process.
 - ..
 - .. Develop a Family Self-Sufficiency Plan (FSSP) or a Personal Responsibility Plan and Family Contract (PRPFC).
 - ..
 - .. Comply with activities assigned to on the Family Self-Sufficiency Plan (FSSP) or PRPFC.
 - ..
 - .. Appear for a scheduled appointment or meeting.
 - ..
 - .. Participate in employment and/or self-sufficiency-related activities.
 - ..
 - .. Accept a job referral.
 - ..
 - .. Complete a job application.
 - ..
 - .. Appear for a job interview (see the exception below).
- . Stating orally or in writing a definite intent not to comply with program requirements.
- . Threatening, physically abusing or otherwise behaving disruptively toward anyone conducting or participating in an employment and/or self-sufficiency-related activity.
- . Refusing employment support services if the refusal prevents participation in an employment and/or self-sufficiency-related activity. PEM 233A, pp. 1-2.

DEPARTMENT POLICY

All Programs

Clients have rights and responsibilities as specified in this item.

The local office must do **all** of the following:

- . Determine eligibility.
- . Calculate the level of benefits.
- . Protect client rights. PAM, Item 105, p. 1.

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.

All Programs

Clients must completely and truthfully answer all questions on forms and in interviews. 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.

LOCAL OFFICE RESPONSIBILITIES

All Programs

Ensure client rights described in this item are honored and that client responsibilities are explained in understandable terms. Clients are to be treated with dignity and respect by all DHS employees. PAM, Item 105, p. 8.

LEGAL BASE

FIP

MCL 400.57, et. seq.

RAP Cash

45 CFR 400.75(a)

In the instant case, the claimant applied for FIP, FAP, and MA benefits on July 14, 2008. During her interview on July 14, 2008, the claimant informed the department caseworker that she may be disabled. As a result, the department caseworker gave the claimant a Medical Needs form that was required to be filled out by her physician and returned to the department on July 24, 2008. The department caseworker did not receive the form by July 24, 2008 and the case was not closed until September 3, 2008.

During the hearing, the claimant stated that she had submitted the form to her physician who informed her that they had completed the form and sent it back in the self-addressed envelope. However, the claimant failed to contact the department caseworker to find out if the worker had received the form, which he hadn't.

Since the claimant did not provide the required information by the review date, the department caseworker should have sent the claimant to JET as a referral. The department caseworker did not send the claimant for a JET referral. However, the claimant still did not complete the FAST form within 30 days of her application of July 14, 2008, which would result in the claimant being required to complete the form by August 14, 2008. The claimant did not complete the FAST form until August 20, 2008. As a result, the claimant's FIP application would have been denied because she failed to complete the required FAST form within 30 days. The claimant is eligible to reapply for FIP benefits.

Therefore, the department has established that it was acting in compliance with department policy by determining that the claimant was not eligible to receive FIP benefits because she did not provide the required Medical Needs form by July 24, 2008 and she did not complete the FAST form by August 14, 2008.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has appropriately denied the claimant's FIP benefits because the claimant did not provide the completed Medical Needs form by July 24, 2008 nor did she complete the FAST form by August 14, 2008.

Accordingly, the department's decision is **AFFIRMED**.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 29, 2009

Date Mailed: April 29, 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.

CGF/vmc

cc:

