

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: 2009-31683
Issue No: 1005; 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 3, 2009
Cheboygan County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 September 3, 2009. The claimant personally appeared and provided testimony, along with her mother, [REDACTED].

ISSUE

Did the department properly terminate the claimant's Medical Assistance (MA) and Family Independence Program (FIP) benefits for failure to return the required redetermination materials in July, 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. The claimant's FAP and MA case came due for a redetermination during the month of July, 2009. (Department Exhibit 4).

2. The claimant was mailed a Redetermination form (DHS-1010) on June 18, 2009, scheduling an in-person interview for July 2, 2009 and requiring the claimant to complete the form and return it by July 2, 2009. (Department Exhibit 4).

3. The claimant called to reschedule the appointment. The appointment was rescheduled for July 9, 2009. (Department Exhibit 3).

4. The claimant again called and rescheduled the appointment for July 10, 2009. (Department Exhibit 2).

5. The claimant was a no call/no show for the appointment. (Department Exhibit 2).

6. On July 20, 2009, the claimant was mailed a Notice of Case Action (DHS-1605) indicating that her FIP and MA benefits would be closed on August 1, 2009 for failure to return the redetermination materials. (Department Exhibit 1).

7. The claimant came into the local office on July 20, 2009, and asked if the caseworker had received her boyfriend's paycheck stubs. The caseworker informed the claimant that she had not received the paycheck stubs and also informed her she had not received the Redetermination form. The caseworker printed off another Redetermination form and handed it to the claimant. (Department Exhibit 6).

8. The department received no completed Redetermination form from the claimant.

9. The claimant submitted a hearing request on July 30, 2009.

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).

Department 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 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.

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.

MA Only

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**

- . the time period given has elapsed. PAM, Item 130, p. 4.

The claimant testified that she did receive the redetermination materials for her annual review of her MA and FIP benefits. The claimant clearly did receive the materials when they were mailed on June 18, 2009, as she called to reschedule the required personal interview. The claimant rescheduled the interview two times and then was a no call/no show for the interview.

The claimant testified that she brought in the redetermination materials to the local DHS office on July 30, 2009, at the same time she turned in her hearing request. The claimant presents two pages of the Redetermination form to show she turned it in on July 30, 2009. However, the forms are not date-stamped as received by the department or signed by any department representative. The claimant's caseworker testified that she had received none of the claimant's redetermination form or required verifications at any time. It would seem odd that the claimant would drop off the redetermination materials at the local office on July 30, 2009 and not, at least, attempt to see her case worker or leave a message for her, since she was aware that she needed to have a personal interview. Further, if the claimant had returned all verifications as required, her case wouldn't have closed and she wouldn't have had to turn in a hearing request. Therefore, it would seem strange for the claimant to turn in the redetermination form and verifications, at the same time as a hearing request.

Thus, there is not credible evidence the claimant submitted the required verifications for her redetermination. Nor did the claimant attend the personal interview. Department policy does require a personal interview for FIP redeterminations. PAM 210. The claimant is required to comply with the department in providing the verification materials necessary to allow the department to determine initial or ongoing eligibility. PAM 105. In this case, the claimant failed

to return her Redetermination form and failed to attend the personal interview. Thus, the department properly took action to close her case.

It is noted that the claimant requested a hearing on the closure of her FAP benefits. However, the claimant's FAP did not close at this time. The claimant was scheduled for a FAP interview on August 3, 2009, which she did not attend. Thus, the FAP benefits did not close until August, 2009. The claimant submitted her hearing request on July 30, 2009. At that time, there had been no negative action associated with the FAP benefits. Thus, this Administrative Law Judge can not consider any FAP issue as there was no negative action preceding the hearing request.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly terminated the claimant's FIP and MA benefits because the claimant had not participated in a personal interview and did not return the required verifications for her redetermination.

Accordingly, the department's actions are UPHeld. SO ORDERED.

/s/ _____
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 28, 2009

Date Mailed: October 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.

SLK [REDACTED]

cc:

[REDACTED]