

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 2010-43703

Issue No: 1038

[REDACTED]

Hearing Date:

September 22, 2010

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: **Suzanne L. Morris**

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 22, 2010. The claimant appeared and provided testimony.

ISSUE

Did the department properly terminate and sanction the claimant's Family Independence Program (FIP) benefits for noncompliance with Work First/Jobs, Education and Training (WF/JET) requirements?

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 indicated to the department that her boyfriend, [REDACTED] needed to be given a medical deferral from the WF/JET program to help care for their child (claimant is an SSI recipient).
2. On April 6, 2010, the claimant was given the medical documentation to have completed and returned to the department to support a deferral. (Department Exhibit 1)

3. The claimant was given an extension until June 21, 2010 to provide the documentation. (Department Exhibit 2)
4. The claimant was provided with another copy of this form on June 9, 2010 and also was given a letter from the DHS case worker that indicated if the form was not received by June 21, 2010, the FIP case would close. (Department Exhibit 2)
5. The form was not completed and returned to the department. On June 29, 2010, the department mailed the claimant a Notice of Case Action (DHS-1605), indicating the claimant's FIP case would close effective August 1, 2010 for failure to provide the required information. (Department Exhibit 3)
6. The claimant submitted a hearing request on July 12, 2010.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy indicates:

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. BAM, 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. BAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702. BAM, 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. BAM, Item 105, p. 9.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. BAM, 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. BAM, Item 130, p. 2.

The client must obtain required verification, but you must assist if they need and request help. BAM, 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. BAM, 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. BAM, Item 130, p. 4.

Claimants are required to comply with the local office to allow the department to determine initial or ongoing eligibility. BAM 105. The department informs the client what verification is required, how to obtain it, and the due date by using the Verification Checklist form (DHS-3503). BAM 130. Clients are provided ten days to return the verifications, but can request an extension of time to provide the verifications. BAM 130. If the time period to provide the verifications elapses and the verifications have not been provided, the department is directed to send a negative action notice. BAM 130.

The claimant admits that she received the Medical Needs verification form (DHS-54A) that was first mailed to the claimant on April 6, 2010. When the department did not receive the form back, the department mailed the claimant another Medical Needs form (DHS-54A) on June 9, 2010, along with a letter that stated if the form was not received by June 21, 2010, her FIP case would close.

The claimant does not dispute that she did not return the Medical Needs form. The claimant testified that she changed doctors in March or April of 2010. The claimant further stated that when she took the form to her new doctor, her old records had not been transferred, so she couldn't get the doctor to complete the forms.

However, the department had no telephone notes to indicate that the claimant requested any assistance in getting the required information or that she had requested any extension of time.

Further, when the claimant was questioned why she couldn't have her previous physician (who still had her records) complete the form, she had no answer.

Department policy indicates that if the required information is not provided by the due date, the department is to send a negative action notice. BAM 130. It does not appear in this case that the claimant made a reasonable effort to obtain the documents to allow the department to determine eligibility. Thus, the department properly closed her FIP case.

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 Family Independence Program (FIP) benefits for failure to provide the required verifications.

Accordingly, the department's determination is UPHELD. SO ORDERED.

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

Date Signed: 11/24/2010

Date Mailed: 11/24/2010

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.

