

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: 2010-1440
Issue No: 1005
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 5, 2009
Ingham 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 November 5, 2009. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly terminate the claimant's Family Independence Program (FIP) benefits for failure to return the required redetermination materials in August, 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 FIP case came due for a redetermination during the month of August, 2009. (Department Exhibit 10).
2. The claimant was mailed a Redetermination form (DHS-1010) on July 17, 2009, scheduling an in-person interview for August 11, 2009. (Department Exhibit 10).

3. The claimant called to reschedule the appointment as she had a WF/JET activity that day. The appointment was rescheduled for August 24, 2009. (Department Exhibit 5 – 7, 9).

4. The claimant did not attend the appointment.

5. The claimant was mailed a Notice of Case Action on August 20, 2009, that indicated her FIP benefits were closing effective September 1, 2009. (Department Exhibit 1).

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.

The claimant testified that she did receive the redetermination materials for the annual review of her FIP benefits. The claimant clearly did receive the materials when they were mailed on July 17, 2009, as she called to reschedule the required personal interview that had been scheduled for August 11, 2009. The claimant was a no call/no show for the rescheduled interview on August 24, 2009 and the department closed the claimant's case on August 20, 2009.

The claimant first claims that she did not receive the notice for the rescheduled interview. However, this is not credible as the documentation shows it was mailed to the claimant's address on August 11, 2009 and the caseworker even documented that she telephoned the claimant at the telephone number provided by the claimant and left a message indicating the new date and time for the appointment. The claimant testified that it was her correct telephone number. Thus, the claimant is not found credible that she didn't receive any notice of the new date as the department provided it in writing and via telephone message.

The claimant also testified that she was incarcerated from August 22 – August 25, 2009, and was unable to attend the personal interview for her redetermination. However, the documentation from the Ingham County jail presented as evidence does not support these dates. The Ingham County Jail Inmate Classification Notice shows the claimant was booked into the

jail on August 24, 2009 at 21:07 (see Exhibit 11). This is well after her 1:30 pm interview. Therefore, the claimant clearly was not in jail at the time her interview was scheduled.

This makes it clear that the claimant could have attended her personal interview and simply did not do so. The claimant made no attempt to reschedule the August 24, 2009 appointment. Department policy requires the claimant to participate in a personal interview for a FIP redetermination. BAM 210. As the claimant failed to do so, the department properly determined her case should close for failure to complete the redetermination process.

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 benefits because the claimant had not participated in a personal interview and did not return the required redetermination materials.

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: January 5, 2010

Date Mailed: January 6, 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.

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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/om

cc:

[REDACTED]