

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-42181
Issue No: 1005
Case No: [REDACTED]
Hearing Date:
August 17, 2011
Isabella 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 August 17, 2011. The claimant appeared and provided testimony, along with a witness, [REDACTED] a home therapist through [REDACTED].

ISSUE

Did the department properly close the claimant's Family Independence Program (FIP) application for failure to return the required verifications?

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 May 5, 2011, the claimant submitted a DHS-54-E (Medical Needs – JET) form that indicated the claimant could not work, but indicated “to be determined” for the duration. (Department Exhibit 3 – 4)
2. On May 6, 2011, the claimant was mailed a Verification Checklist (DHS-3503) and a cover letter that indicated the claimant must return completed Medical Needs form (DHS-54-E), a Medical Examination form (DHS-54), a Psychiatric/Psychological Examination Report (DHS-49-D) and an Authorization to Release Protected Health Information (DHS-49-D) by June 4, 2011. Copies of all forms were sent to the claimant for completion. (Department Exhibit 5 – 15)

3. The claimant did not return the requested information by the due date and the department mailed the claimant a Notice of Case Action (DHS-1605) on June 8, 2011 that informed the claimant her FIP would close effective July 1, 2011. (Department Exhibit 16 – 20)
4. The department did receive a completed Medical Needs – JET (DHS-54-E) and Psychiatric/Psychological Examination Report (DHS-49-D) on June 14, 2011. No medical records, completed Authorization to Release Protected Health Information (DHS-1555) or Medical Examination Report (DHS-49) was returned.
5. The claimant submitted a hearing request on June 15, 2011.

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 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. BAM 105.

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 105.

Verifications

All Programs

Clients must take actions with _____ in their ability to obtain verifications. DHS staff must _____ assist when necessary. See BAM 130 and BEM 702. BAM 105.

FIP, SDA, CDC, FAP

Allow the client 10 calendar _____ days (_____ or other time limit specified in policy) to provide the verification you request.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

Send a negative action notice when:

- The client indicates a refusal to provide the verification, **or**
- The time period given has elapsed and the client has **not** made a reasonable effort to provide it. BAM 130

Department policy requires clients to submit verifications requested by the department within 10 calendar days. Clients may request assistance from DHS if they are unable to get the verifications by the due date. For certain programs, an extension may be granted if the client is unable to provide the verification despite a reasonable effort. BAM 130. A negative action notice will be sent when the time period to provide the verification has elapsed and the client has not made a reasonable effort to obtain the documents.

BEM 230A requires clients to verify any disabling condition that is expected to last more than 90 days. The claimant was mailed a Verification Checklist (DHS-3503) and a cover letter instructing the client to return completed Medical Needs form (DHS-54-E), a Medical Examination form (DHS-54), a Psychiatric/Psychological Examination Report (DHS-49-D) and an Authorization to Release Protected Health Information (DHS-49-D) by June 4, 2011. It is undisputed that the forms were not submitted to the department by the due date of June 4, 2011. The department did receive a completed Medical Needs – JET (DHS-54-E) and Psychiatric/Psychological Examination Report (DHS-49-D) on June 14, 2011. No medical records, _____ completed Authorization to Release

Protected Health Information (DHS-1555) or Medical Examination Report (DHS-49) was returned.

The claimant and her witness both indicated that they believed the forms were completed and returned by the due date. The claimant's witness testified that CMH did not get the forms dictated and mailed to the department in time, largely due to the disorganization of CMH and the fact that the physician authoring the forms was not a full-time employee.

Department policy does allow for extensions to be provided if the claimant shows a reasonable effort is being made to obtain the documentation. However, the department representative testified that no contact was initiated by the claimant to request an extension. The claimant failed to advise the department of any problems she was having in getting the forms completed.

Further, the claimant failed to provide some of the required verifications at all. No medical records, completed Authorization to Release Protected Health Information (DHS-1555) or Medical Examination Report (DHS-49) was returned. Thus, even if the department accepted the documents submitted on June 14, 2011, it was not all of the material required by the Verification Checklist. Thus, when the department did not receive the verifications timely and no extension was requested, they properly issued a negative action notice closing the claimant's case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department properly closed the claimant's Family Independence Program (FIP) application for failure to return the required verifications.

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

Suzanne

/s/
L. Morris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: September 20, 2011

Date Mailed: September 20, 2011

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.

SM/ac

cc:

