

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

IN THE MATTER OF:



Reg. No: 20129627
Issue No: 1005
Case No: [REDACTED]
Hearing Date:
December 13, 2011
Oakland County DHS (02)

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on December 13, 2011. The claimant personally appeared and provided testimony.

ISSUE

Whether the department properly terminated the claimant's Family Independence Program (FIP) benefits for failure to submit the requested 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. The claimant applied for FIP benefits. (Department Hearing Summary).
2. The claimant indicated that she was not able to participate in the WF/JET program due to medical issues. (Department Exhibit 1).
3. The claimant was sent a Medical Determination Checklist with a due date of September 30, 2011. (Department Exhibit 1).
4. The claimant was sent a Notice of Case Action (DHS 1605) on October 18, 2011 stating that her FIP benefits would be closing effective November 1, 2011 due to her failure to supply the requested verifications. (Department Exhibit 7).

5. The claimant filed a hearing request October 26, 2011 protesting the closure of her case.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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).

In relation to a claimant's responsibilities in obtaining the verifications needed for the department to make a determination, policy states as follows:

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 within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702. BAM 105.

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 105.

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

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 130.

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment. BAM 130.

Timeliness Standards

FIP, SDA, CDC, FAP

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. BAM 130.

Exception: For CDC only, if the client cannot provide the verification despite a reasonable effort, extend the time limit at least once.

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 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 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 130.

In the case at hand, the department representatives present at the hearing were not able to indicate specifically what information was requested, and was in turn not received. The representatives present at the hearing were from the WF/JET program and the claimant's departmental case worker was not present. The only evidence showing that there was a verification checklist sent to the claimant does not show the date that the checklist was sent, nor does it indicate the specific documentation requested by the department (see Department Exhibit 1). The claimant testified that she was unable to obtain any medical documentation due to an outstanding bill. She stated that she would be required to pay \$500.00 in order to be able to retrieve her medical records from her treating sources. She further testified that she called her case worker on several occasions to inform her of the problems she was having in obtaining her records and to seek assistance. The claimant testified that she did not receive a return call from her case worker.

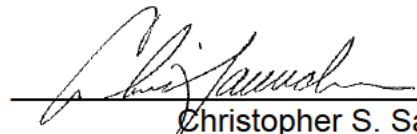
Policy states that the local office must provide assistance to claimants in obtaining verifications when said assistance is requested BAM 130. The claimant testified that she made several attempts to contact her worker regarding her inability to obtain medical records but did not receive a return call. Because there was no testimony from the department to refute the claimant's testimony, this Administrative Law Judge finds that the claimant made reasonable efforts to attempt to obtain the requested verifications and that she contacted the department to request assistance in obtaining that information. Furthermore, it is unclear specifically what information was requested by the department as the evidence contained in the file is insufficient to establish what documentation was requested. Therefore, this Administrative Law Judge finds that the department should have assisted the claimant when said assistance was requested and that the claimant's case was closed improperly.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly closed the claimant's FIP case based on a failure to cooperate.

Accordingly, the department's actions are REVERSED.

It is HEREBY ORDERED that the department shall allow the claimant to submit the requested verifications and will assist the claimant in obtaining that information if such assistance is requested. If the claimant is otherwise eligible, the department shall reinstate benefits back to the date of negative action and if applicable, issue any past due benefits due and owing that the claimant is otherwise eligible to receive.



Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 12/16/11

Date Mailed: 12/16/11

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 receipt 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.

CSS/ hw

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