

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

IN THE MATTER OF:



Reg. No. 201272559
Issue No. 1005
Case No. [REDACTED]
Hearing Date: January 2, 2013
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon Claimant's request for a hearing made pursuant to MCL 400.9 and MCL 400.37, which govern the administrative hearing and appeal process. After due notice, a telephone hearing was held on January 2, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Family Independence Manager.

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Family Independence Program (FIP) | <input type="checkbox"/> Adult Medical Assistance (AMP) |
| <input type="checkbox"/> Food Assistance Program (FAP) | <input type="checkbox"/> State Disability Assistance (SDA) |
| <input type="checkbox"/> Medical Assistance (MA) | <input type="checkbox"/> Child Development and Care (CDC) |
| <input type="checkbox"/> Direct Support Services (DSS) | |

due to failure to provide requested verifications?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant was an ongoing recipient of FIP benefits.
 1. On July 17, 2012, the Department sent Claimant a Medical Determination Verification Checklist (VCL), requesting medical documentation in order to determine her eligibility for a deferral from participation in the Jobs,

Education and Training (JET) program required from work-eligible FIP recipients.

2. On August 8, 2012, the Department sent Claimant a Notice of Case Action closing Claimant's FIP case, effective September 1, 2012, based on (i) Claimant's failing to meet program requirements, (ii) Claimant's group lacking an eligible child, and (iii) Claimant's failure to verify, or allow the Department to verify, information necessary to determine eligibility.
3. On August 20, 2012, Claimant filed a request for a hearing disputing the Department's action.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human

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Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3151 through R 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

Direct Support Services (DSS) is administered by the Department pursuant to MCL 400.57a, *et. seq.*, and Mich Admin Code R 400.3603.

Additionally, the Department sent Claimant an August 8, 2012 Notice of Case Action closing Claimant's FIP case, effective September 1, 2012, based on (i) Claimant's failing to meet program requirements, (ii) Claimant's group lacking an eligible child, and (iii) Claimant's failure to verify, or allow the Department to verify, information necessary to determine eligibility. At the hearing, the Department acknowledged that Claimant's group appeared to have an eligible child and testified that the basis for closure of Claimant's FIP case was the fact that Claimant had failed to provide requested verifications concerning her medical issues prior to her case closure.

In order to increase their employability and obtain employment, work eligible individuals (WEIs) seeking FIP are required to participate in the Jobs, Education and Training (JET) program or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (December 1, 2011), p 1; BEM 233A (May 1, 2012), p 1. When a client claims a disability entitling her to a deferral from participation in employment-related activities, she must provide the Department with verification of the disability when requested. BEM 230A, p 10.

In connection with Claimant's alleged disability, the Department sent Claimant a July 17, 2012 Medical Determination Verification Checklist requesting that she submit several documents in order for the Department to determine her eligibility for a deferral from JET participation. The documents requested were the Medical Examination Report (DHS-49), Medical Social Questionnaire (DHS-49), Activities of Daily Living (DHS-49G), and Authorization to Release Protected Health Information (DHS-1555). The documents were due on July 27, 2012. Both the Department and Claimant agreed that the Department agreed to extend the due date to July 31, 2012. There was no credible evidence that Claimant had requested any further extensions. The Department testified that when it did not receive the completed documents by August 8, 2012, it sent Claimant a Notice of Case Action, closing her FIP case effective September 1, 2012.

At the hearing, Claimant testified that she timely submitted the requested documents in the Department drop-off box on August 8, 2012 and signed the sign-in log. While the Department reviewed the sign-in log for the drop box for August 7, 2012 and August 8, 2012, and Claimant confirmed that her name did not appear as having made any submissions for either day, the Department verified that it did receive a copy of the requested documents on August 20, 2012, apparently with Claimant's request for hearing. Because the Department received verifications prior to the September 1, 2012 case closure, the Department was required to consider the submitted documents. See BAM 220 (November 1, 2012), p 10.

Once a client verifies that a disability will last longer than 90 days, the client must provide requested documentation so that the Department can submit a completed medical packet for a Medical Review Team (MRT) decision. BEM 230A, p 10. If the client fails to do so, the client's FIP case should be placed into closure for failure to provide requested documentation. BEM 230A, p 10.

At the hearing, the Department indicated that Claimant had not completed certain forms required for MRT determination and other forms were not completed by her doctor or left blank. A review of the documents provided by Claimant shows that she submitted a partially completed Activities of Daily Living (DHS-49G), a completed Medical Social Questionnaire (DHS-49F), a completed Medical Needs – JET form (DHS-54E), and an unsigned Authorization to Release Protected Health Information (DHS-1555). There was no Medical Examination Report (DHS-49) (or medical records) completed by Claimant's doctor among the submitted documents. While the Department could not close Claimant's FIP case based on the incomplete DHS 49 -G, in order to process Claimant's JET deferral, Claimant was required to submit the DHS-49 (or medical records) completed by her doctor and a signed DHS-1555. BAM 815 (June 1, 2012), pp 3-5. RFF 49G (October 1, 2010), p 6; RFF 1555 (July 1, 2006), p 3; RFF 49 (July 1, 2005), p 3. Because the documents submitted by Claimant in response to the Medical Determination VCL were not complete, the Department acted in accordance with Department policy when it closed Claimant's case for failure to provide requested verifications.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly closed Claimant's FIP case. improperly closed Claimant's case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly. did not act properly.

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Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated above and on the record.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 9, 2013

Date Mailed: January 9, 2013

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

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cc:

