

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

IN THE MATTER OF:



Reg. No.: 2013 38012
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: April 25, 2013
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on April 25, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] FIS.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application close Claimant's case reduce Claimant's benefits for:

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

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Claimant applied for was receiving: FIP FAP MA SDA CDC.
2. Claimant was required to submit a medical needs form verifying a deferral from attending the Work First program by September 24, 2012.

3. The Claimant provided the requested Medical Needs form together with letters and forms filled out by her doctors and provided the information by hand delivering the documents to her caseworker on September 24, 2012.
4. The Department did not process the medical information and Medical Needs form to the MRT and did not defer the Claimant from attending the Work First program.
5. The Claimant was in the hospital on [REDACTED] due to a medical emergency. The Claimant called her caseworker to advise her she was in the hospital and could not attend the triage. Claimant Exhibit A
6. The Department sent a Notice of Noncompliance to the Claimant on March 1, 2013 scheduling a triage on [REDACTED] Exhibit 3.
7. A triage was held on [REDACTED] and found the Claimant failed to participate in the path program and imposed a 3 month sanction on the Claimant.
8. On April 1, 2013, the Department
 - denied Claimant's application.
 - closed Claimant's case for failure to attend the Work First program as signed and imposed a three month first sanction for failure to attend without good cause.
 - reduced Claimant's benefits .
9. On March 26, 2012, the Department sent notice of the
 - denial of Claimant's application.
 - closure of Claimant's case.
 - reduction of Claimant's benefits.
10. On March 26, 2013, Claimant filed a hearing request, protesting the
 - denial of claimant's application.
 - closure of Claimant's case and indicating that she advised her caseworker she could not attend the Work First program due to medical disability and provided a completed medical needs form and medical packet to the department on September 24, 2012.
 - reduction of Claimant's benefits.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the 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 1997 AACSR 400.3101-

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 1997 AACS R 400.3001-3015

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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 1998-2000 AACS R 400.3151-400.3180.

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 1997 AACS R 400.5001-5015.

Additionally, in this case the Claimant was sent a Notice of Noncompliance scheduling a triage for [REDACTED]. The Claimant did not attend the triage and advised her caseworker that she was in the hospital due to a medical emergency on that date. The Claimant presented hospital admission records at the hearing for [REDACTED] Claimant Exhibit A. Additionally the Claimant provided a Medical Needs form and doctor's evaluation to the Department on September 24, 2012 pursuant to a medical verification checklist. The Medical Needs document and medical documentation was never processed by the Department to the Medical Review Team (MRT) requesting a deferral, nor was the Claimant deferred from attending the Work First program.

After a thorough review of the sworn testimony of the parties and the admitted exhibits, including Claimant Exhibit A, it is determined that the Claimant did provide the requested medical deferral information to the Department in a timely manner and thus did present a basis for deferral which required the Department process the medical information provided by the Claimant. The Claimant's testimony that she provided by hand delivery the medical needs information requested by the Department directly to her caseworker was credible and very detailed as regards the forms she provided, the date she provided them, and the fact that she was responding to a medical verification checklist which was confirmed by the Department to have been sent to her and required

the medical information be returned September 24, 2012. Under these facts and circumstances the Claimant should have been deferred from attending the Work First program until the medical information was provided to the MRT for its review and decision. The Department's failure to process a deferral as required by policy was incorrect. BEM 230A. Department of Human Service Bridges Eligibility Manual, BEM 233A, (October 2012).

Based upon this determination it is determined that the Department improperly closed the Claimant's FIP case due to failure to attend the Work First program without good cause and improperly imposed a three month sanction in accordance with Department policy. BEM 230 A pp9, (1/1/2013).

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 improperly

closed Claimant's case.

denied Claimant's application.

reduced Claimant's benefits.

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

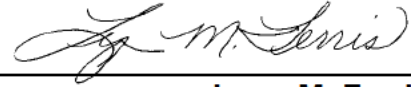
did act properly did not act properly.

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

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall reinstate the Claimant's FIP case retroactive to the date of closure, April 1, 2013.
2. The Department shall issue a supplement to the Claimant for FIP benefits, if any the Claimant was otherwise entitled to receive in accordance with Department policy.
3. The Department shall remove the 3 month sanction that it imposed from the Claimant's case.

4. The Department shall provide the Claimant a new Medical Needs form and shall process the medical documents to be provided pursuant to the medical needs form to the MRT for a determination of a deferral from the Work First Path program.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 2, 2013

Date Mailed: May 2, 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.

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

LMF/cl

cc:

