

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

IN THE MATTER OF:



Reg. No.: 2013-38911
Issue No.: 1038
Case No.:
Hearing Date: April 29, 2013
County: Oakland (02)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

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 29, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included 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)? |

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 applied for benefits received benefits 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). |

2. On April 1, 2013, the Department
 denied Claimant's application closed Claimant's case
due to a determination that she failed to present documentation to support her
request for a medical deferral from work-readiness program requirements.
3. On March 11, 2013, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On March 29, 2013, Claimant filed a hearing request, protesting the
 denial of the application. closure of the case.

CONCLUSIONS OF LAW

Department policies are contained 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 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Additionally, the Department's Bridges Eligibility Manual (BEM) 230A provides for a three-month medical deferral from work-readiness requirements. Department of Human Services Bridges Eligibility Manual (BEM) 230A (2013), pp. 9-12. In this case, Claimant requested a medical deferral based on a physical impairment.

On February 19, 2013 the Department issued a Medical Determination Verification Checklist requesting Claimant's medical information by March 1, 2013. Dept. Exh. 1, pp. 16-17. On March 8, 2013, the Department issued a second Medical Determination Verification Checklist requiring Claimant to submit information by March 18, 2013. Claimant in response submitted psychiatric reports, and medical records which did not indicate a physical impairment. *Id.*, pp. 18-31.

On March 11, 2013, the Department issued a Notice of Case Action terminating Claimant's FIP benefits effective April 1, 2013. The Department's stated reason for the intended action was that she failed to participate in work-readiness activities as required. *Id.*, pp. 37-38.

Department policy requires customers awaiting medical deferrals to be temporarily deferred while awaiting verification of the disability. BEM 230A, p. 10. BEM 230A states that people awaiting medical deferrals are assigned a separate Deferral/Participation Reason, "Establishing Incapacity." *Id.* However, in this case the Department went forward and sent Claimant to work-readiness on March 11, 2013, while her deferral request was still pending. Dept. Exh. 1, p. 32. This is a Department error, and it is found and determined that the Department violated BEM 230A.

However, while the Department may have violated policy, this error is not dispositive of the case, for the following reason. In this case Claimant did not fulfill her responsibility to submit additional medical information by March 18, 2013. As of March 18, 2013, the only medical documentation in the file was regarding her psychiatric condition and certain medical records which did not indicate a physical impairment.

If Claimant had submitted additional documents requiring review by the Department's Medical Review Team, then it might be necessary and appropriate to reverse the Department based on its failure to defer her during the pendency of the medical decision. However, as she did not do so, even though the Department may not have used the correct procedures, there is no point in reversing the Department's decision and sending it back. It would be futile because the medical documentation is insufficient to support a deferral in the first place.

While Claimant did submit additional medical information later on March 29, 2013, this material is in evidence and has been reviewed by the factfinder. Dept Exh. 1, pp. 3-15. Having considered this evidence and all of the evidence in this case as a whole, it is found that the March 29, 2013 submission contains nothing which could provide a basis for a medical deferral. Again, it is found and determined that requiring a futile act by the Department serves no purpose, as the result would be denial of FIP benefits for a different reason.

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 denied Claimant's application improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case

for: AMP FIP FAP MA SDA CDC.

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 AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.


Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 30, 2013

Date Mailed: May 1, 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 affect the substantial rights of the claimant:
 - 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

JL/tm

cc:

