

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg.No. 2013 47857
Issue No. 1038
Case No. ██████████
Hearing Date: June 13, 2013
Wayne County DHS (17)

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 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on June 13, 2013 from Detroit, Michigan. The Claimant appeared and testified. ██████████ ES, appeared on behalf of the Department.

ISSUE

Whether the Department processed a medical needs form for deferral from the Work First program.

FINDINGS OF FACT

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

1. The Claimant was assigned to attend the Work First program beginning April 9, 2013 and at the time of the hearing was participating and had not been deferred by the Medical Review Team (MRT).
2. The Claimant submitted a Medical Needs Form to the Department on April 26, 2013. Exhibit 5.
3. Exhibit 5 the April 26, 2013 Medical Needs form was to be faxed by the Department to MAHS (the undersigned) and was not received.
4. The Department could not say for certain whether the medical needs form had been processed, other than to say the form was given to the Jet Coordinator.

5. The Claimant currently wears a brace on her knee and her left foot and walks with a cane. Her doctor provided the Department via fax a new and additional medical statement indicating the Claimant was unable to work. The Department did not receive the information.
6. In November 2012 a Medical Needs form was submitted to the MRT which determined that the Claimant was found work-ready with limitations. Exhibit 1.
7. The Claimant requested a hearing on May 15, 2013 protesting the failure of the Department to process her medical needs forms.

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"), formerly known as the Family Independence Agency, administers the FIP program pursuant to MCL 400.10, *et seq* and Michigan Administrative Code Rules 400.3101-3131. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

In this case, the Claimant was assigned to attend Work First and after orientation has continued to attend and has sought on several occasions a deferral from attending the Path program.

Additionally, I find that the Claimant has most recently has provided the Department a medical needs form dated April 26, 2013, which from the record presented it could not be determined whether the Department actually forwarded the deferral request to the MRT for its consideration. The April 26, 2013 Medical Needs form was made an exhibit but was not faxed after the hearing to the undersigned for inclusion in the file.

BEM 230 A requires that for short term incapacity (less than 90 days) verification must be obtained by obtaining a medical needs form. Additionally for longer incapacity or when an MRT decision has already been issued and the Claimant is claiming a new medical condition, new verifications are to be obtained. Department of Human Services Bridges Eligibility Manual (BEM) 230 A pp. 11 and pp.13 (1/2013)

Therefore, It is determined based upon the evidence presented at the hearing and the testimony of the parties that the Department did not comply with Department policy regarding the requirements obtaining additional medical verification with regard to the Claimant's medical conditions as it cannot be determined whether the Department processed the medical needs form dated April 26, 2013 (Exhibit 5 not received.).

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Based of the above Findings of Fact and Conclusions of Law, the testimony of witnesses and the documentary evidence received, the Department has not demonstrated that it correctly followed and applied Department policy in the processing of the Medical Needs form previously submitted dated April 26, 2013. BEM 230 A and BEM 233A.

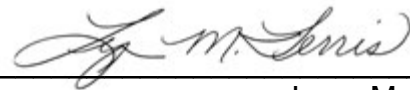
DECISION AND ORDER

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 not act properly when it did not process the Claimant's Medical Needs form and therefore the Department's failure to process the deferral is determined not in compliance with Department policy.

Accordingly, the Department's decision is REVERSED.

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 initiate processing of the Medical Needs Form dated April 26, 2013 in accordance with Department policy and shall determine if the Claimant is entitled to be deferred.
2. The Department shall provide the Claimant notice of any MRT decision regarding the Claimant's deferral from the Path Program.



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

Date Signed: June 20, 2013

Date Mailed: June 20, 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

LMF/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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