

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201358462
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: August 15, 2013
County: Macomb DHS (20)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 August 15, 2013, from Detroit, Michigan. Participants included the above-named claimant. [REDACTED] testified on Claimant's behalf. Participants on behalf of Department of Human Services (DHS) included [REDACTED] Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's Family Independence Program (FIP) eligibility due to a failure by Claimant to return medical documents.

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 FIP benefit recipient.
2. Claimant was not an ongoing PATH participant due to medical reasons.
3. On 6/18/13, DHS mailed Claimant a Medical Determination Verification Checklist (Exhibits 4-5) requesting Psychiatric/Psychological Examination Report (DHS 49-D), Mental Residual Functional Capacity Assessment (DHS-49E) and an Authorization to Release Protected Health Information (DHS-1555).
4. The documents requested by DHS were due by 6/28/13.

5. On an unspecified date, Claimant requested an extension of the deadline to return documents.
6. On 7/8/13, DHS mailed a Notice of Case Action (Exhibits 1-3) initiating a termination of Claimant's FIP benefit eligibility, effective 8/2013, due to failing to verify information.
7. On 7/16/13, Claimant requested a hearing to dispute the FIP benefit termination.

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.* DHS administers the FIP pursuant to MCL 400.10, *et seq* and MAC R 400.3101-3131. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant requested a hearing to dispute a FIP benefit termination. It was not disputed that the basis for the termination was a failure by Claimant to timely return medical documents concerning a long-term disability to support PATH deferral.

Determination of a long-term disability is a three step process. BEM 230A (1/2013), p. 10. The first step is providing DHS with verification of the disability when requested. *Id.* It was not disputed that Claimant completed this step. It was the second step of the disability determination process which DHS alleged that Claimant failed.

For verified disabilities over 90 days, the DHS specialist must submit a completed medical packet and obtain a Medical Review Team (MRT) decision. *Id.* The client must provide DHS with the required documentation such as the DHS-49 series, medical and/or educational documentation needed to define the disability. *Id.* If the client does not provide the requested verifications, the FIP should be placed into closure for failure to provide needed documentation; see BAM 815, Medical Determination and Obtaining Medical Evidence. *Id.*

Claimant testified that she was unable to have the medical forms completed because she was in the process of seeing a new psychologist. Claimant also testified that other persons who treated her in the past were unable to complete the requested DHS forms. Claimant's excuse would have been more understandable had she brought the completed forms to the administrative hearing. As it happened, Claimant did not have the forms and testified that she hoped to have them completed on 8/21/13, the date she sees her newest psychologist.

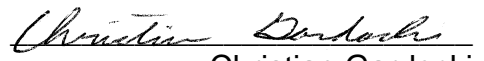
It should be noted that the Verification Checklist requesting medical forms also states that other medical records from a doctor can be used in place of the requested forms. Claimant testified that she was trying to obtain SSA benefits over the past four years and was currently in the process of appealing a recently denied SSA application. If

Claimant alleged a four year long disability, it is probable that Claimant possessed medical records that could have been submitted to DHS in lieu of the requested DHS forms.

Based on the presented evidence, it is found that Claimant failed to timely return medical documents to DHS. Accordingly, the termination of FIP benefits is found to be proper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's FIP benefit eligibility effective 8/2013. The action taken by DHS is AFFIRMED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 8/23/2013

Date Mailed: 8/23/2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

