

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

IN THE MATTER OF:

████████████████████
████████████████████
████████████████████

Reg. No.: 2014 30043
Issue No(s): 1008
Case No.: ██████████
Hearing Date: March 31, 2014
County: Wayne (43)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on March 31, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████ Family Independence Specialist.

ISSUE

Did the Department act properly when it closed Claimant's Family Independence Program (FIP) case for failure to verify her disability?

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 is an ongoing recipient of FIP benefits.
2. Claimant claimed a disability and stated that she was unable to attend the PATH program.
3. On October 2, 2013, the Department sent Claimant a Medical Needs form which was completed and returned by Claimant on October 29, 2013.
4. Because the form indicated Claimant had no limitations, Claimant was referred back to the PATH program.

5. On December 5, 2013, Claimant was referred back to the PATH program again with an appointment date of December 18, 2013.
6. Claimant failed to attend the December 18, 2013 PATH appointment.
7. On December 19, 2013, Claimant returned a second Medical Needs form which stated that she had mild to moderate limitations.
8. On February 10, 2014, the Department sent Claimant another Medical Needs form which was not returned by Claimant.
9. On February 21, 2014, the Department sent Claimant a Notice of Case Action informing her that effective April 1, 2014, her FIP benefits would close for failure to verify her disability.
10. On February 28, 2014, Claimant submitted a hearing request disputing the closure of her FIP case.

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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

According to the Department, Claimant was an ongoing FIP recipient. Because she alleged she was unable to attend PATH, the Department requested that she complete a Medical Needs form. There were at least two forms submitted by December 19, 2013. Neither of the completed Medical Needs forms showed that Claimant had a disability lasting greater than 90 days.

Although the record is unclear regarding Claimant's FIP status in December 2013, Claimant's FIP case was active as of January 2014. Because Claimant continued to allege a disability, the Department mailed her another Medical Needs form on February 10, 2014. Claimant indicated that she never received the form. As a result, Claimant failed to return the form and on February 21, 2014, the Department sent Claimant a Notice of Case Action advising her that her FIP case would close effective April 1, 2014 for failure to verify a disability. Department policy requires that if verification is not returned, the client is required to fully participate in the PATH program. BEM 230A (October 2013) p. 12. As such, the Department was required to refer Claimant back to

the PATH program following the non-receipt of the February 10, 2014 Medical Needs Form. The Department provided no evidence that it referred Claimant back to the PATH program prior to sending the Notice of Case Action advising of the closure of her case.

The Medical Needs form dated February 10, 2014 did not advise Claimant of when the form was due back to the Department. Further, Claimant attended a Pre-Hearing Conference on March 4, 2014 in which she was given until March 17, 2014 to turn in an updated Medical Needs form. On March 10, 2014, Claimant returned the completed Medical Needs form which indicated that she could not sit or stand for more than two hours. Because the February 10, 2014 Medical Needs form did not have a due date and because it appears that Claimant was subsequently given either a new or extended due date, it is found that the Department prematurely closed Claimant's case on April 1, 2014.

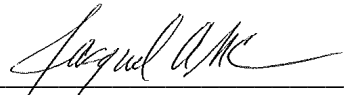
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it closed Claimant's FIP case.

DECISION AND ORDER

Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant's FIP case as of April 1, 2014;
2. Issue supplements to Claimant for any FAP benefits that she was entitled to receive but did not receive from April 1, 2014, ongoing; and


JACQUELYN A. MCCLINTON
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 7, 2014

Date Mailed: April 7, 2014

NOTICE OF APPEAL: 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.

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).

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

JAM/cl

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]