

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

IN THE MATTER OF:

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████████████████████

Reg. No.: 14-002202
Issue No.: 1008
Case No.: ██████████
Hearing Date: June 11, 2014
County: WAYNE-DISTRICT 49

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 June 11, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Case Manager.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) benefits when he failed to return requested medical information?

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 he was unable to attend the Partnership. Accountability. Training. Hope. (PATH) program.
3. Claimant's medical information was sent to the Medical Review Team (MRT) and on February 11, 2014, MRT determined that he was not disabled but was work ready with limitations.
4. Claimant was re-referred to the PATH program but believed he was unable to participate in the PATH program due to medical reasons.

5. On March 31, 2014, the Department sent Claimant a Notice of Noncompliance and scheduled a [triage] meeting for April 7, 2014 regarding his non-participation in the PATH program.
6. On April 7, 2014, Claimant appeared at the triage meeting and indicated that he had new medical issues.
7. Prior to leaving the triage meeting, the Department provided Claimant with a Medical Determination Verification Checklist (VCL) which required that specific medical information be returned by April 17, 2014.
8. Claimant did not return any of the requested information.
9. On March 31, 2014, the Department sent Claimant a Notice of Case Action notifying him that his FIP case would close effective May 1, 2014 for failure to participate in employment-related activities.
10. On May 7, 2014, Claimant filed a Request for Hearing disputing the Department's actions.

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, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

DHS requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. The focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate, without good cause. BEM 223A (July 2013), p. 1.

A Work Eligible Individual (WEI) and a non-WEI who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized. Depending on the case situation, penalties include the following:

- Delay in eligibility at application.
- Ineligibility (denial or termination of FIP with no minimum penalty period).

- Case closure for a minimum of three months for the first episode of noncompliance, six months for the second episode of noncompliance and lifetime closure for the third episode of noncompliance. *Id.*

In this case, Claimant was found to be not disabled and work ready with limitation by the MRT on February 11, 2014. Notwithstanding this, Claimant believed he could not participate in the PATH program as a result of his medical condition. Claimant was sent both a Notice of Noncompliance which scheduled a triage meeting and also sent a Notice of Case Action notifying Claimant that his case would close effective May 1, 2014 for failure to participate in employment-related activities. The triage meeting is meant to provide the client with an opportunity to establish good cause for the noncompliance.

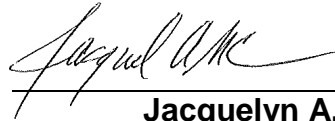
After receiving the Notice of Noncompliance sent by the Department, Claimant appeared for the triage meeting. Claimant cited new medical issues as the reason he was unable to participate in the PATH program. Because Claimant indicated that he had new medical evidence, he was given a VCL requesting specific medical documentation with a due date of April 17, 2014. Department policy holds that if the requirements are met before the negative action date, the information is to be entered and the negative action is to be deleted. BAM 220 (January 2014), p. 12. The negative action date in this case was May 2014, the date Claimant's FIP case was scheduled to close. Thus, if Claimant had returned the items by either the due date of April 17, 2014 or by April 30, 2014, the Department could have reversed the negative action thus allowing Claimant's benefits to continue.

Claimant acknowledged receipt of the VCL and stated that on or about April 9, 2014, he took the forms to his doctor's office for completion. Claimant was unable to recall the specific date that he followed up with his doctor but admitted that he did not advise the Department that he was having any difficulty returning the requested information by the required due date. Claimant also indicated that at some point, he learned that his doctor's office had misplaced the forms that were provided by the Department. However, Claimant testified that he never contacted the Department to request duplicate forms. Claimant stated that he became frustrated and gave up. Because Claimant failed to return the requested documents by the due date, it is found that he did not establish good cause for failing to participate in employment-related activity and as a result the Department properly closed Claimant's FIP case effective May 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 acted in accordance with policy when it closed Claimant's FIP benefits effective May 1, 2014.

DECISION AND ORDER

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



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **6/19/2014**

Date Mailed: **6/19/2014**

JAM/cl

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

CC: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]