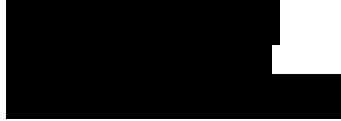


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 14-019468
Issue No.: 1004
Case No.:
Hearing Date: April 6, 2015
County: Wayne (17)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, an in-person hearing was held on April 6, 2015 from Detroit, Michigan. Participants included the above-named Claimant. , Claimant's son, testified and appeared as Claimant's translator. Participants on behalf of the Department of Human Services (DHS) included , specialist.

ISSUES

The first issue is whether DHS properly did not process Medical Assistance (MA) benefits for Claimant because Claimant did not apply for such benefits.

The second issue is whether Claimant timely requested a hearing to dispute a Family Independence Program (FIP) application denial from 8/2014.

The third issue is whether DHS properly denied a second FIP application due to a Claimant failure to timely submit school enrollment verifications.

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 member of a household that included 6 children.
2. On , Claimant applied for FIP benefits (see Exhibits 1-20).
3. On , DHS denied Claimant's FIP application because she received FIP benefits from another state (see Exhibits 30-31).

4. On [REDACTED], Claimant reapplied for FIP benefits (see Exhibits 21-29).
5. On an unspecified date, DHS mailed Claimant a Verification Checklist (VCL) requesting verification of Claimant's children's school enrollment.
6. On [REDACTED], Claimant submitted to DHS school verifications for 3 of her 6 children.
7. On [REDACTED], DHS denied Claimant's application due to a failure to return school verifications for her children (see Exhibits 32-33).
8. On [REDACTED], Claimant requested a hearing to dispute the denial of FIP applications dated [REDACTED] and [REDACTED], and an alleged denial of MA Benefits.

CONCLUSIONS OF LAW

Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Claimant requested a hearing, in part, to dispute a denial of MA benefits. DHS responded that Claimant did not apply for MA benefits before she requested a hearing on 12/23/14.

For MA benefits, the DCH-1426 may be used for all MA categories. BAM 110 (7/2014), p. 4. For all programs other than MA, the DHS-1171 is used for most applications and may also be used for redeterminations. *Id.*, p. 3.

Claimant testified that she applied for FIP, MA and food benefits in the same application. During the hearing, DHS obtained Claimant's applications dated [REDACTED] (Exhibits 1-20) and [REDACTED] (Exhibits 21-29). The applications were both DHS-1171s which checked a need for food, cash, and emergency help. Claimant's application dated [REDACTED] also noted a request for child care. Notably missing was client's alleged request for medical assistance.

DHS presented testimony that since [REDACTED], clients are unable to apply for MA benefits using the DHS-1171. The DHS testimony was consistent with DHS policy and presented facts.

DHS also presented a history of Claimant's document submission (Exhibits 34-35). Claimant's previous submissions did not include a DCH-1426.

During the hearing, Claimant presented an MA application that she signed on [REDACTED]. Presumably, Claimant submitted the application to DHS on or after [REDACTED]. Even if DHS failed to process Claimant's application signed on [REDACTED], Claimant is not entitled to an administrative remedy (in this decision) for an action (or inaction) associated with an application submitted by Claimant after her hearing request submission. Claimant is advised to submit another hearing request for any disputed DHS actions occurring after [REDACTED].

It is found that Claimant did not apply for MA benefits before requesting a hearing. Claimant's hearing request will be dismissed concerning this dispute.

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. DHS (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. DHS policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services Reference Tables Manual (RFT).

Claimant requested a hearing, in part, to dispute a FIP application denial from an application dated [REDACTED]. It was not disputed that DHS denied Claimant's application due to Claimant receiving cash benefits from Minnesota for 8/2014.

Claimant testimony conceded that she received cash benefits from Minnesota for the month of 8/2014. Claimant testified that she did not receive cash benefits from Minnesota after 8/2014. Claimant also testified that she applied for FIP benefits in 8/2014 because she knew that DHS does not initiate FIP eligibility until 30 days after the application date.

Claimant's stated reason for applying for FIP benefits when she did is perfectly reasonable. Claimant has ample reason to not want to suffer a lapse in receiving cash benefit. Prior to an analysis of whether Claimant's motivation is compatible with DHS policy, a procedural issue must be addressed.

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 (7/2014), p. 6. The request must be received in the local office within the 90 days. *Id.*

During the hearing, Claimant refused to concede that DHS mailed written notice of her application denial before she reapplied for FIP benefits on [REDACTED]. DHS presented a Notice of Case Action (Exhibits 30-31) dated [REDACTED] informing Claimant that her application dated [REDACTED] was denied. Claimant requested a hearing on [REDACTED]. Claimant's hearing request was more than 90 days following the date of written notice of her application denial. Accordingly, Claimant's hearing request is dismissed because she did not timely dispute the application denial.

Claimant also requested a hearing to dispute the denial of a FIP application dated September 2, 2014. It was not disputed that DHS denied Claimant's application due to an alleged failure by Claimant to submit school verifications for her six children.

A dependent child age 6 through 15 must attend school full-time. BEM 245 (7/2014), p. 1. If a dependent child age 6 through 15 is not attending school full-time, the entire FIP group is not eligible to receive FIP. *Id.* A dependent child age 16 or 17 who is not attending high school full-time is disqualified from the FIP group in Bridges. *Id.*

DHS testimony first indicated that Claimant failed to submit verifications for 5 children. After checking their records, DHS then stated that Claimant failed to verify 3 of her children's school enrollments; presumably, at least one of the 3 children was under 16 years of age.

Claimant testified that she submitted school enrollment verifications for 5 of her 6 children before [REDACTED]. Claimant testified that she only failed to submit verification for her 17 year-old son because she had difficulties in enrolling him in a safe school.

Claimant's 17 year old son testified that he was present when school enrollments were submitted to DH. His testimony was consistent with his mother's testimony.

The list of DHS submissions (Exhibits 34-35) was checked for confirmation of Claimant's testimony. The list stated that three school enrollments were submitted to DHS on [REDACTED]. This evidence was inconclusive because it is not known if any of the school enrollment documents included enrollment information for more than one child.

Claimant testified with virtual certainty that she applied for MA benefits before she requested a hearing. The evidence was highly convincing that Claimant did not apply for MA benefits before requesting a hearing.

Claimant testified with comparable certainty that DHS did not send her a written notice of denial of her FIP application dated 8/2014. DHS verified that written notice was issued one day after Claimant applied.

Claimant's testimony, by itself, concerning school enrollment submissions was reasonably plausible. Unfortunately for Claimant, her other testimony was much less

credible. When Claimant's testimony was essentially twice disproven, it is difficult to perceive Claimant to be more credible than DHS for a third issue.

Based on the presented evidence, it is found that Claimant failed to timely submit school enrollments for at least one child under 16 years of age to DHS. Accordingly, it is found that DHS properly denied Claimant's FIP application dated [REDACTED].

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant failed to timely request a hearing to dispute the denial of a FIP application dated [REDACTED]. It is further found that Claimant has no basis to dispute MA eligibility when she did not apply for benefits. Claimant's hearing request is **PARTIALLY DISMISSED**.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's FIP application dated [REDACTED] due to Claimant's failure to submit school enrollment verifications to DHS. The actions taken by DHS are **AFFIRMED**.



Christian Gardocki
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **4/9/2015**

Date Mailed: **4/9/2015**

CG / hw

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 48909-8139

CC:

