

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

IN THE MATTER OF:



Reg. No.: 2014-29177
Issue No.: 1010
Case No.: [REDACTED]
Hearing Date: May 1, 2014
County: Genesee (02)

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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; 42 CFR 431.200 to 431.250; and 45 CFR 205.10. After due notice, an In Person hearing was held on May 1, 2014, from Genesee County, Michigan. Participants on behalf of Claimant included [REDACTED] of [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUE

Was noncompliance with timely verification requirements established?

FINDINGS OF FACT

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

1. On November 6, 2013, Claimant applied for FIP.
2. On December 3, 2013, claimant's application was denied.
3. On December 5, 2013, claimant requested a hearing.
4. On January 2, 2014, claimant had a hearing.
5. On January 14, 2014 the Decision and Order was mailed to the claimant.

6. The Decision and Order ordered the DHS to reinstate claimants FIP application and recalculate the FIP budget for December 2013 and ongoing.
7. On January 24, 2014, the DHS reinstated claimants application and requested claimant to provide updated verification of his claimed medical disability and his daughters school attendance on DHS forms with a due date of February 3, 2014, extended to February 13, 2014. The requested verifications on DHS forms were not submitted.
8. Claimant submitted a photo copy of outdated previously medical verification submitted on November 25, 2013, and unrequested school information on a school form.
9. On February 18, 2014, claimant's application was denied based on noncompliance with timely verification requirements.
10. On February 21, 2014, claimant requested a hearing.

CONCLUSIONS OF LAW

Customers must cooperate with the local office determining initial and ongoing eligibility. This includes completion of the DHS necessary forms. BAM item 105.

The client is responsible for providing evidence needed to prove disability. However, the DHS must assist the customer when they need your help to obtain it. BEM item 260.

A client who refuses or fails to submit to an exam necessary to determine disability cannot be determined disabled and you may deny or close the case. BEM item 260.

The local office must assist customers who asked for help in completing forms for gathering verification. Particular letter must be shown to customers who are illiterate, disabled or not fluent in English. BAM item 105.

The customer must obtain required verification, but you must assist if they need and request help. BAM, item 130.

Allow the customer 10 calendar days (or other time limits specified in policy) to provide the verification you request. If the customer cannot provide the verification despite a reasonable effort, extend the time limit at least once. BAM, item 130

Claimant testified that he was having difficulty in obtaining the requested verifications. That is why the DHS, extended the due date. He was responsible for obtaining the requested verifications timely. If he was still having difficulty, he had the responsibility to request help before the expiration of the extended time limit.

Towards the end of the hearing, claimant said he did not want a hearing on the verification issues. He wanted a hearing based on his claim that the DHS did not comply with first ALJs decision and order.

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied.... Rule 400.903

Claimant's reinstated application was denied on February 18, 2014, with his hearing request on February 21, 2014, based on noncompliance with timely verification requirements, and not a prior ALJ Decision and Order.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that noncompliance with timely verification requirements was established.

Accordingly, FIP denial is UPHELD and so ORDERED.



William A. Sundquist
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: 05/12/2014

Date Mailed: 05/12/2014

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;

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- 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

WAS/sw

cc:

