

**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.: 15-002246
Issue No.: 1002; 2004
Case No.: ██████████
Hearing Date: March 19, 2015
County: WAYNE-DISTRICT 15
(GREYDALE)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 19, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, ██████████ ██████████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████, Family Independence Specialist.

ISSUES

Did the Department properly deny Claimant's Family Independence Program (FIP) application effective January 1, 2015?

Did the Department fail to process Claimant's alleged Medical Assistance (MA) application dated November 25, 2014, on behalf of her three children?

FINDINGS OF FACT

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

1. On November 25, 2014, Claimant applied for FIP benefits. See Exhibit 1, pp. 9-23.
2. On November 25, 2014, Claimant alleged that she also submitted three separate MA applications for her three children.

3. On December 26, 2014, the Department sent Claimant a Verification Checklist (VCL), which requested verification of her child's school attendance. See Exhibit 1, pp. 4-5. The verification was due back by January 5, 2015. See Exhibit 1, p. 4.
4. Before January 5, 2015, Claimant alleged that she attempted to contact the Department to request assistance with the VCL, but to no avail.
5. On or around January 13, 2015, Claimant alleged that after failing to receive assistance from the Department, she submitted her child's school schedule. See Exhibit A, p. 1.
6. The Department did not receive the verification request before the due date. See Exhibit 1, p. 6.
7. On January 28, 2015, the Department sent Claimant a Notice of Case Action notifying her that her Cash (FIP) application was denied effective January 1, 2015, ongoing, for failure to provide verification of her child's school attendance. See Exhibit 1, pp. 7-8.
8. On February 6, 2015, Claimant filed a hearing request, protesting her FIP denial and MA application. See Exhibit 1, pp. 2-3.

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.

The 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.

Preliminary matter

During the hearing, Claimant testified that she also applied for MA benefits for her three children on or around January 29, 2015. Claimant alleged that Department failed to process this subsequent application. However, this Administrative Law Judge (ALJ) lacks the jurisdiction to address Claimant's alleged subsequent application. For MA applications, the Department certifies program approval or denial of the application within 45 days. BAM 115 (January 2015), p. 15. The Department automatically generates the client notice. BAM 115, p. 15. At the time of Claimant's hearing request, the Department was still within their standard of promptness (SOP) to process Claimant's alleged MA application. See BAM 115, p. 15. As such, this ALJ lacks the jurisdiction to address Claimant's subsequent alleged application as the Department still had an opportunity to process the application. See BAM 115, p. 15. Claimant can file another hearing request to dispute the Department's failure to process her alleged MA application dated January 29, 2015. See BAM 600 (January 2015), pp. 4-6.

FIP application

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (January 2015), p. 8. This includes completion of necessary forms. BAM 105, p. 8.

For FIP cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested. BAM 130 (October 2014), p. 6. The Department send a negative action notice when: the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 6.

Additionally, the client must obtain required verification, but the local office must assist if they need and request help. BAM 130, p. 3 and BAM 105, p. 14 (The local office must assist clients who ask for help in completing forms or gathering verifications). If neither the client nor the local office can obtain verification despite a reasonable effort, the Department uses the best available information. BAM 130, p. 3. If no evidence is available, the Department uses its best judgment. BAM 130, p. 3.

Before receiving the VCL request, Claimant testified that she spoke to her DHS caseworker. Claimant testified that she was informed that a VCL would be sent to her and that the DHS caseworker would process the MA application.

Then, Claimant testified that she did receive the VCL request. However, Claimant testified that she attempted to contact the Department to request assistance with the verification request, but to no avail. Claimant indicated that her child's school needed additional information as to which verification they needed to provide. Claimant testified that she left voicemails for the DHS caseworker and her supervisor, but received no response. Finally, Claimant testified that because she received no assistance, she

submitted her child's school schedule on or around January 13, 2015. See Exhibit A, p. 1 (child's school schedule has a print date of January 13, 2015).

In response, Claimant's DHS caseworker was not present for the hearing. The Department argued that it did not receive the VCL request by the due date. Moreover, Claimant's Electronic Case File (ECF) did not indicate any receipt of her child's schedule on January 13, 2015; instead, the ECF document showed receipt of school documents on January 30, 2015. See Exhibit 1, pp. 6 and 24.

Based on the foregoing information and evidence, the Department improperly denied Claimant's FIP application effective January 1, 2015. Claimant credibly testified that she requested assistance from the Department for the verification request and the Department failed to help the Claimant. See BAM 130, p. 3. Claimant's credibility is supported by her providing proof of her child's school schedule that she indicated she submitted on January 13, 2015, after receiving no assistance from the Department. Moreover, Claimant's DHS caseworker failed to be present at the hearing to rebut Claimant's testimony. Because the Department failed to assist the Claimant with the VCL request, it improperly denied her FIP application in accordance with Department policy. See BAM 105, p. 14 and BAM 130, p. 3.

MA application

In this case, on November 25, 2014, Claimant alleged that she also applied for MA benefits for her three children. Claimant testified that she submitted three separate MA applications. Also, Claimant testified that her DHS caseworker informed her she would process the MA application. Claimant testified that she never received any correspondence (e.g., Health Care Coverage Determination Notice) as to the status of her application.

In response, the Department argued that Claimant never submitted a MA application for her three children on November 25, 2014. The Department presented Claimant's ECF file to show a history of her submitted documentation. See Exhibit 1, pp. 6 and 24. Claimant's ECF document shows an application submitted on November 25, 2014; however, the Department indicated this was only Claimant's FIP application that was submitted. See Exhibit 1, pp. 6 and 24. In fact, the Department provided a copy of Claimant's FIP application submitted on November 25, 2014. See Exhibit 1, pp. 9-23. Claimant failed to provide a copy of her alleged MA application on November 25, 2014.

The Department must register a signed application or filing form, with the minimum information, within one workday for all requested programs. BAM 110 (July 2014), p. 19. For MA applications, the Department certifies the program approval or denial of the application within 45 days. BAM 115 (July 2014), p. 11 (see also exceptions listed in BAM 115). If the group is ineligible or refuses to cooperate in the application process, the Department must certify the denial within the standard of promptness and also send a DHS-1605, Client Notice, or the DHS-1150, Application Eligibility Notice, with the

denial reason(s). BAM 115, pp. 22-23. Medicaid denials receive a DHS-1606, Health Care Coverage Determination Notice. BAM 115, p. 23. If approved, the Department sends the DHS-1605 detailing the approval at certification of program opening. BAM 115, p. 23. The Department sends the DHS-1606 detailing Medicaid approvals. BAM 115, p. 23.

Based on the foregoing information and evidence, the Department properly did not process Claimant's alleged MA application dated November 25, 2014, on behalf of her three children. Even though Claimant indicated she spoke with her DHS caseworker in regards to the MA application, Claimant failed to provide any evidence that she submitted a MA application on November 25, 2014. Moreover, the Department provided as evidence the only application Claimant submitted on November 25, 2014. See Exhibit 1, pp. 9-23. There was no record of a MA application on November 25, 2014, as evidence by Claimant's ECF screen.

DECISION AND ORDER


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 (i) did not act in accordance with Department policy when it improperly denied Claimant's FIP application effective January 1, 2015; and (ii) the Department properly did not process Claimant's alleged MA application dated November 25, 2014, on behalf of her three children.

Accordingly, the Department's decision is AFFIRMED IN PART with respect to alleged MA applications and REVERSED IN PART with respect to FIP application.

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. Initiate re-registration and reprocessing of Claimant's FIP application dated November 25, 2014;
2. Issue supplements to Claimant for any FIP benefits she was eligible to receive but did not from January 1, 2015, ongoing; and

3. Notify Claimant of its FIP decision.



Eric Feldman
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **3/20/2015**

Date Mailed: **3/20/2015**

EJF/tm

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:

