

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-020737
Issue No.: 1008
Agency Case No.: [REDACTED]
Hearing Date: January 4, 2016
County: Wayne (18)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on January 4, 2016, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED] hearing facilitator, and [REDACTED] PATH Coordinator.

ISSUE

The issue is whether MDHHS properly denied Petitioner's Family Independence Program (FIP) application due to Petitioner's failure to return verification of a pending Social Security Administration (SSA) application.

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 September 10, 2015, Petitioner applied for FIP benefits.
2. Petitioner's application alleged she is deferred from employment-related activities due to medical reasons.
3. On September 15, 2015, MDHHS mailed Petitioner a Medical Determination Verification Checklist (VCL) requesting various items including proof of a pending SSA application.
4. The VCL due date was September 25, 2015.
5. On October 28, 2015, MDHHS denied Petitioner's application due to Petitioner's failure to return verifications.

6. On November 12, 2015, Petitioner requested a hearing to dispute the FIP application denial.

CONCLUSIONS OF LAW

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. MDHHS (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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute the denial of her FIP application dated September 10, 2015. MDHHS presented a Notice of Case Action (Exhibit 1; pp. 1-2) dated October 28, 2015. The notice listed two reasons for the application denial. The first listed reason was that Petitioner's group failed to include an eligible child; MDHHS testimony conceded this was not a proper basis for denial. The second listed reason was Petitioner's failure to verify necessary information. MDHHS testimony specified Petitioner's failure to verify a pending SSA application was the basis for denial.

[For medical determination applications, MDHHS is to] complete a DHS-3503-MRT, Medical Determination Verification Checklist, indicating the following verifications [are] required: DHS-49-F, DHS-1555, DHS-3975, Reimbursement Authorization (for state-funded FIP/SDA only), and verification of SSA application/appeal. BAM 815 (July 2015), p. 4. Based on this policy, a SSA application/appeal is an appropriate verification to request.

It was not disputed MDHHS mailed Petitioner a VCL requesting various items including proof of a pending SSA application. It was not disputed that Petitioner failed to submit proof of a pending SSA application between the time of the VCL mailing and date of denial. Petitioner's first argument to excuse her failure was that she provided MDHHS with an adequate substitute for the verification. To consider the argument, background information of Petitioner's SSA application is appropriate.

Petitioner testified she previously had an active application with SSA. Petitioner testified she missed a hearing date which resulted in the dismissal of her SSA application. Petitioner testified she missed her hearing date only because she did not receive notice of the hearing. Petitioner testified she found an attorney who was appealing the dismissal of her application.

Petitioner testified that she submitted SSA's order of dismissal to MDHHS. During the hearing, MDHHS conceded Petitioner submitted the order during the processing of a previously submitted FIP application. The problem with Petitioner's submission is that it does not comply with the request made by MDHHS. The VCL requested "Proof of pending Social Security Administration disability benefits application or scheduled appointment to apply for benefits." Petitioner's submission only verified that her application was dismissed by SSA. Petitioner's testimony indicated she thought that

MDHHS only needed her most recent SSA correspondence; Petitioner's thought process was misguided. It is found that Petitioner's submission of a dismissal order failed to adequately comply with the MDHHS request.

Petitioner also made a second contention to justify her submission failure. Petitioner testified she submitted a letter from an attorney which stated the dismissal was being appealed. Petitioner testified she submitted the letter to MDHHS on November 12, 2015, along with hearing request.

[For FIP benefits,] at application or medical review if requested mandatory forms are not returned, the DDS cannot make a determination on the severity of the disability. *Id.*, 2. [MDHHS is to] deny the application or place an approved program into negative action for failure to provide required verifications. *Id.*

Under the circumstances of Petitioner's SSA application status, it might be reasonable to interpret Petitioner's submission as adequate verification of a pending SSA application. Petitioner's argument is ultimately unpersuasive because she did not submit the letter before the application was denied on October 28, 2015. Petitioner's submission may have only occurred a few days later, but it was too late to resurrect her already denied application. It is found that MDHHS properly denied Petitioner's FIP application due to Petitioner's failure to submit required information.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's application dated September 10, 2015, due to Petitioner's failure to submit proof of a pending SSA application. The actions taken by MDHHS are **AFFIRMED**.



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

Date Signed: **1/5/2016**

Date Mailed: **1/5/2016**

CG/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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

