



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: January 31, 2017
MAHS Docket No.: 16-018547
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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 26, 2017, from Lansing, Michigan. The Petitioner appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Hearings Facilitator [REDACTED] [REDACTED]

ISSUE

Did the Department properly deny Petitioner's application for Family Independence Program (FIP) benefits?

Petitioner also requested a hearing on Medical Assistance (MA). There is no evidence that the Department has taken any action on MA with respect to Petitioner within the last 90 days, and therefore there is no justiciable issue to be addressed.

FINDINGS OF FACT

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

1. Petitioner was an on-going FIP recipient.
2. On October 10, 2016, the Department mailed to Petitioner a Redetermination (Exhibit A Pages 4-12).

3. Petitioner was required to complete and return the Redetermination by November 1, 2016.
4. On October 31, 2016, Petitioner returned a portion of the Redetermination (Pages 13-18), but the first two pages were missing.
5. On November 18, 2016, the Department mailed to Petitioner a Notice of Case Action (Pages 19-20), informing Petitioner that her FIP would be closed as of December 1, 2016, because she had not returned the completed form by the deadline.
6. On December 2, 2016, Petitioner returned the first two pages of the form, but the form was not completed as required.
7. On December 2, 2016, Petitioner requested a hearing, protesting the closure of her FIP.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) 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-.3131.

BAM 130 (7/1/16), at page 7, says:

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

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.

The issue is whether the Petitioner cooperated, or made a reasonable effort to cooperate, with the Department in determining her eligibility. Petitioner failed to substantiate in any way, other than her oral statements, that she made a reasonable effort to cooperate with the Department. Petitioner insisted that she turned in the entire form by the deadline, but the only pages the Department found were the third through eighth pages. The Department gave her notice on November 18, 2016, that she would be losing her FIP as of December 1. She waited until December 2 to respond, and even then she turned in blank pages. That is not a reasonable effort to cooperate.

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 Department policy when it closed Petitioner's FIP.

There is nothing to prevent Petitioner from reapplying for FIP. If she chooses to do so, she needs to understand – and abide by – the duty to provide the Department with suitable verification of the needed information and complete responses to questions that are being asked to determine her eligibility.

DECISION AND ORDER

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

DJ/mc



Darryl Johnson
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

Petitioner

[REDACTED]