



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: September 15, 2017
MAHS Docket No.: 17-008461
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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; 42 CFR 438.400 to 438.424; 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 August 15, 2017, from Lansing, Michigan. [REDACTED], the Petitioner, appeared on her own behalf. [REDACTED], husband, appeared as a witness for Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator. [REDACTED], provided interpretation services during the hearing proceeding.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-31.

ISSUE

Did the Department properly deny Petitioner's Family Independence Program (FIP) 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 May 19, 2017, Petitioner applied for FIP. (Exhibit A, p. 1)
2. It was reported to the Department that Petitioner's husband is disabled and cannot attend Work First, and that Petitioner needs to stay home to take care of him. (Exhibit A, p. 1; Hearing Facilitator Testimony)

3. On May 19, 2017, a Verification Checklist was issued to Petitioner, in part requesting medical verification for employment services (such as the DHS-54-E, Medical Needs-JET form) for her husband by the May 30, 2017, due date. (Exhibit A, pp. 13-15 and 18)
4. On May 25, 2017, a DHS-54-E, Medical Needs-JET form was submitted, but it was not filled out correctly. The Department informed Petitioner of this. (Exhibit A, pp. 1, 6-7 and 23; Hearing Facilitator Testimony)
5. On June 9, 2017, a Notice of Case Action was issued to Petitioner stating FIP was denied based on failure to attend the PATH program orientation. (Exhibit A, pp. 25-29)

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (October 1, 2016), p. 9. This includes completion of necessary forms. BAM 105, p. 9.

For long-term incapacity, at intake, redetermination or anytime during an ongoing benefit period, when an individual claims to be disabled or indicates an inability to participate in work or PATH for more than 90 days because of a mental or physical condition, the client should be deferred in the Department's system (Bridges). BEM 230A (October 1, 2015), p. 11.

Determination of a long-term incapacity is a three step process. BEM 230A, p. 12.

For step one, once a client claims a disability he/she must provide MDHHS with verification of the disability when requested. BEM 230A, p. 12. The verification must indicate that the disability will last longer than 90 calendar days. BEM 230A, p. 12.

For step two, for verified disabilities over 90 days, see BAM 815, Medical Determination and Disability Determination Service, for the policy requirements in obtaining a medical certification from DDS. BEM 230A, p. 12. If the client does not provide the requested verifications, the FIP should be placed into closure for failure to provide needed

documentation. BEM 230A p. 12. For verified disabilities over 90 days, the client must apply for benefits through the Social Security Administration (SSA) before step three. BEM 230A, p. 12. See BAM 815, Medical Determination and Disability Determination Service and BEM 270, Pursuit of Benefits. BEM 230A, p. 12.

Additionally, BAM 815 explains the process for obtaining medical evidence provided by the client and how it would be reviewed by the Disability Determination Service (DDS). See BAM 815 (January 1, 2017), pp. 1-11.

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. BAM 815, p. 2. The Department denies the application or places an approved program into negative action for failure to provide required verifications. BAM 815, p. 2.

On May 19, 2017, Petitioner applied for FIP. (Exhibit A, p. 1) It was reported to the Department that Petitioner's husband is disabled and cannot attend Work First, and that Petitioner needs to stay home to take care of him. (Exhibit A, p. 1; Hearing Facilitator Testimony)

In accordance with the above cited BAM 815 and BEM 230A policies, the Department requested medical verification regarding Petitioner's husband. On May 19, 2017, a Verification Checklist was issued to Petitioner, in part requesting medical verification for the employment services (such as a DHS-54-E, Medical Needs-JET form which would address Petitioner's husband's alleged disability and if there was a need for someone in the home to provide care) by the May 30, 2017, due date. (Exhibit A, pp. 13-15 and 18)

On May 25, 2017, a DHS-54-E, Medical Needs-JET form was submitted, but it was not filled out correctly. There was no patient name listed to indicate who the impairments pertained to. The Department informed Petitioner of this. (Exhibit A, pp. 1, 6-7 and 23; Hearing Facilitator Testimony)

The Department received two subsequent DHS-54-E, Medical Needs-JET forms, one on June 12, 2017, and another on June 15, 2017. While the June 15, 2017 form was correctly completed, both were submitted after the May 30, 2017, due date and after the June 9, 2017, denial notice was issued. No properly completed medical verification was received by the May 30, 2017 due date. (Exhibit A, pp. 1, 8-11, and 23; Hearing Facilitator Testimony)

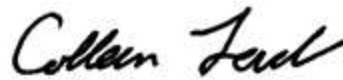
On June 9, 2017, a Notice of Case Action was issued to Petitioner stating FIP was denied based on failure to attend the PATH program orientation. (Exhibit A, pp. 25-29) There was some testimony indicating Petitioner and her husband had attended the PATH orientation. (Hearing Facilitator and Husband Testimony) It appears that this may have related to a prior FIP application as the correspondence history indicates issuance of documents consistent with a FIP application around April 28, 2017. (Exhibit A, pp. 20-22) Overall, it appears that the reason on the June 9, 2017, denial notice was incorrectly stated as failure to attend the PATH program orientation rather than the failure to return the requested medical verification. Ultimately, the above cited

BAM 815 policy directs the Department to deny an application for failure to provide requested medical verification. The evidence in this case does not establish that properly completed medical verification was received by the May 30, 2017, due date.

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 denied Petitioner's May 19, 2017, FIP application.

DECISION AND ORDER

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



CL/db

Colleen Lack
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).

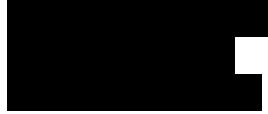
A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for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



Petitioner

