



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: January 25, 2018  
MAHS Docket No.: 17-015598  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Michael Crews**

**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 January 4, 2018, from Detroit, Michigan. The Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Manager, and [REDACTED], Family Independence Specialist.

**ISSUE**

Did the Department properly close Petitioner's Family Independence Program (FIP) benefits effective November 1, 2017?

**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 applied for FIP benefits on August 8, 2016 and requested a medical deferral from PATH participation.
2. A verification checklist (VCL) dated September 21, 2017 was mailed to Petitioner, which requested proof regarding Petitioner's disability, a Medical Social Questionnaire, and an Authorization to Release Protected Health Information (Exhibit A, p. 4-12).
3. The requested verifications/proofs were due to the Department by October 2, 2017.

4. As of October 11, 2017, the Department had not received the requested verifications/proofs.
5. The Department mailed a Notice of Case Action dated October 11, 2017 to Petitioner and informed Petitioner that her FIP case was due to close effective November 1, 2017 for failure to provide the verifications.
6. On November 13, 2017, Petitioner submitted a hearing request and disputed the Department's action.

### **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.

A FIP recipient who alleges that she is unable to participate in the PATH program due to a disability must provide verification of the disability to the Department. BEM 233A (April 2016), pp. 4-5

The client is required to obtain and provide the verification requested by the Department. BAM 130 (April 2017), p. 1. Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (October 2017), p. 9. The client is allowed 10 calendar days to provide the verification that is requested in accordance with policy. BAM 130, p. 7. Verifications are considered to be timely if received by the date they are due. BAM 130, p. 7. A negative case action is sent when: 1) the client refuses to provide a verification, or 2) the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 7.

In this case, the Petitioner submitted a hearing request to dispute the Department's action in closing her FIP case effective November 1, 2017.

Here, the Department's evidence established that a VCL along with other documentation dated September 21, 2017 was mailed to Petitioner and she was allowed ten days to submit the requested verification (Exhibit A, pp. 4 and 18). Petitioner testified that, for reasons unknown, she did not receive the mail of September 21, 2017. However, the Department presented evidence that Petitioner completed a

redetermination dated October 4, 2017 that was mailed to the same address on file (Exhibit A, pp. 19-25).

As the time period for submission of the requested verification had lapsed and Petitioner had not made a reasonable effort to provide it, the Department closed Petitioner's FIP case effective November 1, 2017.

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 case effective November 1, 2017 for failure to provide requested verifications.

**DECISION AND ORDER**

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



MC/kl

---

**Michael Crews**  
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

Via email

[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] [REDACTED]