



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: June 6, 2018
MAHS Docket No.: 18-003724
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 June 6, 2018, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Chantel Wilbon, Eligibility Specialist and Gregory Folsum, Eligibility Specialist.

ISSUE

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

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 [REDACTED], 2018, Petitioner applied for FIP benefits (Exhibit A).
2. On January 24, 2018, the Department sent Petitioner a Family Automated Screening Tool (FAST) Referred Notice (Exhibit B).
3. On January 24, 2018, the Department sent Petitioner a Verification Checklist (VCL) requesting verification of Petitioner's grandchild's school attendance (Exhibit C).
4. On February 23, 2018, the Department sent Petitioner a Notice of Case Action informing Petitioner that her application for FIP benefits was denied for her failure to complete the FAST within 30 days (Exhibit D).

5. On April 6, 2018, Petitioner submitted a request for hearing disputing the Department's actions regarding her FIP and Medical Assistance (MA) benefit cases.

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).

FIP

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.

In this case, Petitioner submitted an application for FIP benefits on [REDACTED], 2018. On January 24, 2018, the Department sent Petitioner a FAST Referred Notice informing her that she must complete FAST within 30 days of the notice. Additionally, on January 24, 2018, the Department sent Petitioner a VCL requesting verification of her grandchild's school attendance (Exhibit C). Proofs were due on February 5, 2018.

All Work Eligibility Individuals (WEI), unless temporarily deferred, must engage in employment that pays at least state minimum wage or participate in employment services. BEM 230A (October 2015), p. 4. Applicants must complete the 21 day Partnership. Accountability. Training. Hope (PATH) application eligibility period (AEP) part of orientation, which is an eligibility requirement for approval of the FIP application. BEM 229 (October 2015) p. 1. PATH participants must complete all of the following in order for their FIP application to be approved: (i) begin the AEP by the last date to attend as indicated on the DHS-4785, PATH Appointment Notice; (ii) complete PATH AEP requirements; and (iii) continue to participate in PATH after completion of the 21 day AEP. BEM 229, p. 1. Included as conditions of eligibility are the requirement to appear and participate with PATH or other employment services providers and the completion of the Family Automated Screening Tool (FAST). BEM 233A (April 2016), p. 1. The Department will deny the FIP application if an applicant does not complete all of the above three components of the AEP. BEM 229, p. 1.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (April 2017), p. 1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. For FIP

cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification that is required. BAM 130 (April 2017), p. 7. The Department sends a negative action notice when: the client indicates a 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. 7.

The Department testified Petitioner did not complete the FAST within 30 days and did not submit verification of her grandson's school records. As a result, the Department sent Petitioner a Notice of Case Action informing her that her application for FIP benefits was denied on February 23, 2018.

Petitioner stated she received the FAST notice and the VCL. Petitioner testified that she was unsure how to complete the FAST and went to a Department location to seek assistance in February 2018. Petitioner stated she was notified by an individual at the Department that she would have to reapply because she "did not get the right paperwork in." Petitioner stated she also believed she submitted verification of her grandchild's school attendance at that time. The Department testified that there was no record of an application submitted by Respondent in [REDACTED] 2018. Petitioner did reapply for FIP benefits on [REDACTED] 2018.

It would seem that Petitioner was confused as to the timeframe of when she sought assistance with the FAST and when she submitted the verifications. Petitioner did not provide sufficient evidence to establish that she attempted to seek help from the Department within the timeframe that the FAST was due, and that the Department failed to provide adequate assistance. Therefore, the Department sufficiently established that Petitioner did not complete the FAST within the required timeframe. Thus, the Department acted in accordance with policy when it denied Petitioner's application for FIP benefits.

MA

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 Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In this case, Petitioner requested a hearing, in part, to address the Department's failure to transfer her grandson's MA benefit case to her own. Petitioner's grandchild has ongoing MA benefits but is active under his mother's MA benefit case. Petitioner obtained custody of the child in December 2017. Petitioner argued the Department has failed to properly transfer the child's MA benefit case onto her own MA benefit case. The Department testified transfers such as what Petitioner is requesting are generally not done until the child's MA benefit case is due for renewal.

Clients have the right to contest a Department decision affecting eligibility or benefit levels whenever they believe the decision is incorrect. BAM 600 (April 2017), p. 1. The Michigan Administrative Hearing System may grant a hearing about any of the following: (i) denial of an application and/or supplemental payments; (ii) reduction in the amount of program benefits or service; (iii) suspension or termination of program benefits or service; (iv) restrictions under which benefits or services are provided; (v) delay of any action beyond standards of promptness; or (vi) for FAP only, the current level of benefits or denial of expedited service. BAM 660, p. 5.

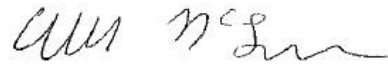
As none of the above conditions apply the Petitioner's request for hearing regarding her grandchild's MA benefit case, it is found the Undersigned does not have jurisdiction to address the issue. Therefore, Petitioner's hearing request regarding the MA issue is, hereby, **DISMISSED** for lack of jurisdiction.

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 acted in accordance with Department policy when it denied Petitioner's FIP benefit application. Accordingly, the Department's decision is **AFFIRMED**.

Petitioner's request for hearing regarding her grandchild's MA benefits is **DISMISSED**.

EM/cg



Ellen McLemore

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) 763-0155; 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:

MDHHS-Genesee-6-Hearings
G. Vail
D. Sweeney
D. Smith
EQAD
BSC2- Hearing Decisions
MAHS

Petitioner – Via First-Class Mail:

