



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: December 28, 2018
MAHS Docket No.: 18-012043
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 December 19, 2018, from Lansing, Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Michael Hill, Partnership Accountability Training Hope (PATH) Caseworker.

ISSUE

Did the Department properly determine that Petitioner was not eligible for the deferment from the Partnership. Accountability. Training. Hope (PATH) program due to failure to provide verification?

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 a recipient of the Family Independence Program (FIP) with a deferral from PATH participation based on an established incapacitation.
2. On September 13, 2018, the Medical Review Team (MRT) denied Petitioner's deferral from the PATH program for failure to cooperate where she failed to submit the function report even though she was called by MRT two times, but never returned the form. MRT determined that without the Claimant's cooperation that

they could not assess the severity of the Claimant's impairment. Department Exhibit 1, pgs. 4-12.

3. On November 1, 2018, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS-1605, that effective December 1, 2018 that her FIP case was closed due to failure to cooperate with MRT. Department Exhibit 1, pgs. 13-15.
4. On November 9, 2018, the Department received a hearing request from Petitioner, contesting the Department's negative 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.

In this case, the Petitioner failed to cooperate with MRT by not returning the function report by the due date. As a result, MRT could not determine the severity of her impairment for continued deferment from PATH. Her FIP case closed effective December 1, 2018. BEM 230 and 233A. BAM 815.


During the hearing, Petitioner stated that she did mail in the form, but MRT never received it. She did not call MRT to confirm that they received the form. MRT did attempt to call her two times about the missing form of the function report, which should have put her on notice that they did not receive the form that she mailed. Petitioner failed to call MRT back, which resulted in a noncooperation for MRT.

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 determined that Petitioner was in noncooperation with MRT by not returning a form of the function report to determine continued eligibility for PATH deferment, which resulted in FIP closure.

DECISION AND ORDER

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

CF/hb



Carmen G. Fahie
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

DHHS

Tiffany Flemings
22 Center Street
Ypsilanti, MI 48198

Washtenaw County, DHHS

BSC4 via electronic mail

H. Norfleet via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]