



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: January 3, 2019
MAHS Docket No.: 18-010840
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 6, 2018, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Brad Reno Hearing Facilitator. Department Exhibit 1, pp. 1-27 was received and admitted. Department Exhibit 2, pp. 1-14 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's Family Independence Program (FIP) benefits for failing to provide verifications?

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 FIP benefits.
2. On [REDACTED], 2018, a Medical Determination Verification Checklist was sent to Petitioner was a form for his treating physician to complete.
3. On [REDACTED], 2018, Petitioner's FIP case closed.
4. On [REDACTED], 2018, Petitioner applied for FIP benefits.
5. On [REDACTED], 2018, a verification checklist was sent to Petitioner requesting verifications about school attendance and assets. (Ex., 1, pp. 1-21)

6. On October 5, 2018, Notice of Case Action was sent to Petitioner informing him that his application for FIP was denied for failing to return verifications. (Ex. 1, pp. 25-27)
7. On October 15, 2018, Petitioner requested hearing disputing the denial of FIP benefits. Petitioner also raised issues with regard to the [REDACTED] 2018 closure.

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.

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. BAM 130

In this case, with regard to the [REDACTED] 2018 closure, Petitioner testified that he dropped off the Medical Needs form to his physician but that he was unaware of whether the form was submitted to the Department. The Department representative testified that the Department never received the form. Petitioner testified that his physician was frustrated because the form had been completed in the spring and there was no change in his medical condition. Department policy requires periodic updates to confirm that a recipient's health condition precludes them from participating with PATH. Petitioner failed to submit the form prior to the deadline, therefore the [REDACTED], 2018 closure was proper and correct. BAM 130

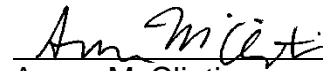
With regard to the October 5, 2018, denial, Petitioner acknowledged at hearing that he did not submit the requested verifications prior to the deadline. Therefore, the denial for failing to return verifications was proper and correct. BAM 130

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 for failing to provide verifications and denied Petitioner's FIP application for failing to return verifications.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
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

Lindsay Miller
125 E. Union St 7th Floor
Flint, MI
48502

Genesee Union St. DHHS- via electronic
mail

BSC2- via electronic mail

G. Vail- via electronic mail

B. Cabanaw- via electronic mail

Petitioner

[REDACTED]
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[REDACTED], MI
[REDACTED]