



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

MARLON I. BROWN, DPA
ACTING DIRECTOR

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Date Mailed: November 3, 2023
MOAHR Docket No.: 23-005446
Agency No.: ██████████
Petitioner: ██████████ ██████████

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 October 4, 2023, from Lansing, Michigan. The Petitioner was represented by ██████████ ██████████ Authorized Hearing Representative. ██████████ ██████████ the Petitioner, was present. The Department of Health and Human Services (Department) was represented by Danielle Moton, Assistance Payments Worker (APW). ██████████ ██████████ also provided interpretation services during the hearing.

During the hearing proceeding, the Department’s hearing summary packet was admitted as Exhibit A, pp. 1-54 and the Department’s additional documentation was admitted as Exhibit B, pp. 1-8.

ISSUE

Did the Department properly determine Petitioner’s eligibility for the Family Independence Program (FIP)?

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 July ██████████ 2023, Petitioner applied for FIP for the household of seven, including his spouse and five daughters. (Exhibit A, pp. 13-21)
2. On July ██████████ 2023 a Verification Checklist was issued to Petitioner requesting verification of disability for Petitioner’s spouse and employment services for Petitioner with a due date of July 21, 2023. (Exhibit A, pp. 22-24)

3. On July █ 2023, Notices to Apply were issued to Petitioner indicating he and his spouse were required to apply for SSI benefits through the Social Security Administration by July 21, 2023. (Exhibit A, pp. 25-26)
4. On July █ 2023, a Medical Determination Verification Checklist was issued to Petitioner requesting completion of DHS-49F Medical Social Questionnaire, DHS-1555 Authorization to Release Protected Health Information, and DHS-3975 Reimbursement Authorization forms as well as proof of pending application or appointment to apply for Social Security Administration disability benefits by July 21, 2023. (Exhibit B, pp. 1-2)
5. On July █ 2023, Verification of Application or Appeal for SSI/RSDI forms were issued for Petitioner and his spouse. (Exhibit A, pp. 27-30)
6. On July █ 2023, Petitioner submitted: a letter from the Social Security Administration to his spouse indicating there was enclosed information sent based on a recent telephone contact; DHS-49-F Medical Social Questionnaire, DHS-54 A Medical Needs forms and DHS-54-E Medical Needs-PATH forms; as well as Reimbursement Authorization and Authorization to Release Protected Health Information forms. (Exhibit A, pp. 31-54)
7. The Department determined that Petitioner did not return sufficient verification that they had applied for Social Security Administration benefits. (Exhibit A, p. 1; APW Testimony)
8. On August █ 2023, a Notice of Case Action was issued to Petitioner stating FIP was denied based on the failure to provide requested verifications of employment services and residential address as well as the failure to pursue other potential benefits. (Exhibit A, pp. 8-12)
9. On August 23, 2023, Petitioner submitted a hearing request contesting the Department's determination. (Exhibit A, pp. 3-5)

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 general, verification is to be obtained when information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. The Department must tell the client what verification is required, how to obtain it, and the due date. The client must obtain required verification, but the Department must assist if the client needs and requests help. If neither the client nor the Department can obtain verification despite a reasonable effort, the Department should use the best available information. If no evidence is available, the Department is to use their best judgment. BAM 130, January 1, 2023, pp. 1-4.

The Department must allow the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. The Department is to send a case 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. For FIP, if the client contacts the department prior to the due date requesting an extension or assistance in obtaining verifications, the Department may grant an extension. BAM 130, p. 7.

In this case, the evidence does not establish that Petitioner provided all of the requested verifications.

On July █ 2023 a Verification Checklist was issued to Petitioner requesting verification of disability for Petitioner's spouse and employment services for Petitioner with a due date of July 21, 2023. (Exhibit A, pp. 22-24). On July █ 2023, Notices to Apply were issued to Petitioner indicating he and his spouse were required to apply for SSI benefits through the Social Security Administration by July 21, 2023. (Exhibit A, pp. 25-26). On July █ 2023, a Medical Determination Verification Checklist was issued to Petitioner requesting completion of DHS-49F Medical Social Questionnaire, DHS-1555 Authorization to Release Protected Health Information, and DHS-3975 Reimbursement Authorization forms as well as proof of pending application or appointment to apply for Social Security Administration disability benefits by July 21, 2023. (Exhibit B, pp. 1-2). On July █ 2023, Verification of Application of Appeal for SSI/RSDI forms were issued for Petitioner and his spouse. (Exhibit A, pp. 27-30).

On July █ 2023, Petitioner submitted: a letter from the Social Security Administration to his spouse indicating there was enclosed information sent based on a recent telephone contact; DHS-49-F Medical Social Questionnaire, DHS-54 A Medical Needs forms and DHS-54-E Medical Needs-PATH forms; as well as Reimbursement Authorization and Authorization to Release Protected Health Information forms. (Exhibit A, pp. 31-54)

Regarding the submitted letter from the Social Security Administration, the Department determined that Petitioner did not return sufficient verification that they had applied for Social Security Administration benefits. This letter only documented that there had been a telephone contact but did not verify that there was a pending application of appeal for disability benefits with Social Security Administration. (Exhibit A, pp. 1 and 31; APW Testimony).

On August █ 2023, a Notice of Case Action was issued to Petitioner stating FIP was denied based on the failure to provide requested verifications of employment services and residential address as well as the failure to pursue other potential benefits. (Exhibit A, pp. 8-12). The Department's documentation does not establish that a request was sent to Petitioner requesting verification of residential address. Further, the July █ 2023 Verification Checklist requested verification of employment services for Petitioner with a due date of July 21, 2023. This checklist indicated that a DHS-54E Medical Needs-PATH form was an acceptable type of verification for this. (Exhibit A, pp. 22-24). On July █ 2023, Petitioner provided a DHS-54-E Medical Needs-PATH form listing Petitioner as the patient. (Exhibit A, pp. 52-53). Accordingly, a denial based on a failure to provide verification of residential address and employment services for Petitioner is not supported by the evidence.

However, as discussed above, Petitioner did not submit sufficient verification of pursuing disability benefits through the Social Security Administration. Petitioner's AHR testified that they applied for disability benefits through the Social Security Administration about 9-10 months ago and they filed an appeal 2-3 months ago. (AHR Testimony). However, the evidence shows that the Department properly requested verification regarding the status of an application or appeal with Social Security Administration, and also attempted to verify this with the Social Security Administration directly but were not able to obtain the needed verification. (Exhibit A, pp. 22-54; Exhibit B, pp. 1-8). The needed verification was not provided. Accordingly, the denial based on the failure to pursue other potential benefits must be upheld as the needed verification of application or appeal for disability benefits through the Social Security Administration was not provided.

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 Petitioner's eligibility for FIP.

DECISION AND ORDER

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

CL/dm



Colleen Lack
Administrative Law Judge

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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via-Electronic Mail :

DHHS
Tara Roland 82-17
Wayne-Greenfield/Joy-DHHS
**MDHHS-Wayne-17-
hearings@michigan.gov**

SanbornB

BSC4HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
[REDACTED]