

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2009-16534
Issue No: 1005, 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 20, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on April 20, 2009. The Claimant personally appeared and testified. A family independence specialist represented the Department.

ISSUE

Did the Department properly deny Claimant's application for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits on the grounds that she failed to complete the Family Automated Screening Tool (FAST)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant applied for FIP, FAP and MA benefits on October 23, 2008.

- (2) In an attempt to notify Claimant that she was to complete the FAST, the Department mailed the FAST notice dated December 16, 2008 to [REDACTED]. The correspondence was returned to the Department marked “not deliverable as addressed.” (Exhibit 3).
- (3) Claimant, therefore, did not get the FAST notice.
- (4) Claimant contends that she had changed her address. Claimant also asserted that she had notified her worker several times that her address had changed.
- (5) The Department denied Claimant’s FIP application on March 9, 2009. Claimant’s FAP case has a negative action pending.
- (6) Claimant’s MA request for MA benefits for her children was reinstated on February 1, 2009 after she returned the Medical Needs, DHS-54-A, as requested.
- (7) Department received Claimant’s hearing request on February 27, 2009. (Exhibit C).

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, et seq. The Department of Human Services (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, et seq., and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal

regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies for FAP and MA are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

DEPARTMENTAL PHILOSOPHY

The Family Independence Program (FIP) and Refugee Assistance Program Cash (RAPC) are temporary cash assistance programs to support a family's movement to self-sufficiency. The Family Self-Sufficiency Plan (FSSP) was created to allow DHS and other DHS client service providers to share information about our mutual clients for optimal case management. The department's goal of assisting families to achieve self-sufficiency whenever possible can only be achieved if barriers are properly identified and overcome.

Use the Family Automated Screening Tool (FAST) and the FSSP described below to serve the cash assistance recipients and Prevention Services for Families (PSF) program participants.

DEPARTMENTAL POLICY

Federal and state laws require each family receiving FIP or RAP to develop a plan and participate in activities that will strengthen the family and/or help them reach self sufficiency. Initial users of the FSSP include DHS and JET/MWA workers.

Michigan's success in meeting federal work participation requirements is measured by the client's actual hours of participation in work related activities as entered on the FSSP.

The Family Automated Screening Tool (FAST) is a Web-based initial screening to identify the strengths and needs of FIP/RAP families. Completing a FAST is the FIP/RAP client's first required work related activity and establishes a foundation for the development of a successful FSSP.

All Work Eligible Individuals (WEIs) and non WEI's as defined below are required to complete the FAST within 30 days and participate in the development of the FSSP within 90 days of the FAST/FSSP notice. Compliance with the FSSP is a required activity for all WEIs. These requirements apply to FIP and RAP clients who are referred to JET as well as those who are deferred. Non-compliance with the FSSP without good cause will result in penalties outlined in PEM 233A, 233B and 233C.

WHEN TO COMPLETE

Explain the purpose of the FAST and FSSP at the initial interview and determine whether the client needs a paper copy of the FAST or additional help to complete the FAST. A FAST/FSSP notice, DHS-1535 or 1536 is automatically sent to applicants the night of the FIP and RAP Initial Interview done in ASSIST. All clients listed on the notice are required to complete the FAST within 30 days and the FSSP within 90 days of the notice. The DHS-1535 is for deferred WEIs and the DHS-1536 is for referred WEIs. (PEM 228, p. 1).

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. (PAM 105, p. 5)

Refusal to Cooperate Penalties All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. (PAM 105, p. 5)

Under PEM 228, "all clients listed on the notice are required to complete the FAST within 30 days." In this case, Claimant did not fail to cooperate with the Department. The Department offered evidence that established the Claimant did not receive the FAST notice. Under these circumstances, it is found that the Department improperly denied Claimant's FIP application on the grounds that she failed to complete a FAST within 30 days of the FIP application. In

addition, the Department did not provide evidence to establish a negative action against Claimant's FAP application. Finally, it is found that Claimant was not aggrieved regarding her MA application. The Department delayed making a determination of her eligibility for MA benefits until Claimant submitted the requested medical documentation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department improperly closed Claimant's FIP and improperly placed her FAP case in negative action status.

Accordingly, the Department's action is REVERSED. The Department is ORDERED to (a) make a determination on Claimant's FIP and FAP eligibility retroactive to the date of her application and (b) reimburse Claimant for any FIP and FAP benefits she was eligible to receive had her application not been improperly denied.

/s/ _____
Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/24/09

Date Mailed: 04/28/09

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

2009-16534/TW

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

TW/dj

cc:

