STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: ▮▮▮▮▮▮▮▮▮,

Claimant

Reg No: 2009-22120
Issue No: 1021
Case No: ▮▮▮▮▮▮▮
Load No: ▮▮▮▮▮▮▮
Hearing Date:
June 17, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing. After due notice, a hearing was conducted on June 17, 2009. The Claimant appeared and testified along with a translator, ▮▮▮▮▮▮ ▮▮▮▮▮▮. Shameika Smith, FIS appeared on behalf of the Department.

ISSUE

Whether the Department properly denied Claimant's FIP benefits for a failure to complete the Family Automated Screening Tool ("FAST")?

FINDINGS OF FACT

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

1.   Claimant applied for FIP benefits on 3/5/09.

2.   Claimant was informed that he needed to complete the Family Automated Screening Tool ("FAST") by 4/10/09.

3.   Claimant testified that his wife went on line and completed the FAST on 3/13/09. Claimant received a confirmation which he saved in his inbox. (Exhibit 2). The confirmation number reads ▮▮▮▮.

4.   On 4/14/09, Claimant's FIP case was denied for noncompliance.

5.   The Department indicated that there was no notice of denial in the file.

6.   Claimant testified that he never received a notice of denial.

7.   Claimant testified that he never heard about the status of his FIP application but that he left numerous voicemail messages with the Department to follow up on his case.

8.   When he could not reach anyone by telephone, Claimant went into the local Department office at the end of April and met with a FIM. The Department informed Claimant at that time that the computer did not register Claimant as having completed the FAST.

9.   This was the first time that Claimant heard his FIP case was denied.

10. Claimant went home and printed the original confirmation on 4/30/09.

11. Claimant also redid the FAST. A second confirmation was printed on 5/03/09 indicating that Claimant's confirmation number was ▮▮▮▮.

12. On May 4, 2009, the Department received the Claimant's written hearing request.

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

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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 Family Automated Screening Tool (FAST) is a Web-based initial screening to identify the strengths and needs of FIP families. Completing a FAST is the FIP client's first required work related activity and establishes a foundation for the development of a successful FSSP. All Work Eligible Individuals (WEIs) are required to complete the FAST within 30 days and participate in the development of the FSSP within 90 days of the FAST notice. Non compliance without good cause will result in a denial of FIP. PEM 228.

In this case, the Claimant testified credibly that he complied with the FAST requirement. After evaluating the testimony and evidence in this case, the Administrative Law Judge finds that the evidence favors Claimant's case. First, the FAST confirmation print out relied upon by the Department is dated 5/3/09 at the bottom. The Department relied upon this date to establish that Claimant did not fill out the FAST until 5/3/09. The Department also acknowledged, however, that the print date does not identify the date completed by the Claimant.

Secondly, the second FAST confirmation print out (which is date stamp received on 5/4/09) shows a confirmation number of 253147. The earlier FAST confirmation reveals a confirmation number of 234029. There is a difference of over 19,000 confirmations between the two. This lends credibility to Claimant's indication that he originally completed the FAST much earlier. Third, the evidence does not show that the Department sent out notice of a denial. Since the Department did not notify Claimant of the denial of FIP, Claimant did not know that he was in noncompliance until he presented to the local office.

Based upon the foregoing facts and relevant law, it is found that the Claimant complied with the FAST requirement and accordingly the Department's determination to deny FIP benefits is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's determination is not upheld.

Accordingly, it is ORDERED:

1. The Department's negative action of 4/14/09, if any, shall be deleted.

2. The Department shall reopen and reprocess Claimant's FIP case as of the date of closure, 4/14/09, and supplement the Claimant with any lost FIP benefits he was otherwise entitled to receive should all other income eligibility be met.

/s/
_____
Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/26/09

Date Mailed: 06/29/09

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.

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.

JV/dj

cc: