

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: 2009-23583
Issue No: 1005
Case No. [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 25, 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 June 25, 2009. The Claimant personally appeared and testified. A family independence specialist represented the Department.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case on the grounds that she failed to complete a FAST Screening Survey?

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 was a FIP benefits recipient since September 2008. She receives \$597 in monthly benefits. She applied for benefits in August 2008.
- (2) The Department sent Claimant a Notice of Noncompliance dated March 18, 2009. The Notice stated she had failed to complete the FAST survey. (Exhibit 1).

- (3) Claimant asserted that she completed the FAST survey in August 2008. She did not learn that the Department considered her having failed to complete the FAST until she applied for burial benefits to bury her 19-year-old son who passed away on [REDACTED]. At that time, she had a new caseworker.
- (4) Claimant noted that son had passed away on the same day that the Department sent her the Notice of Noncompliance and that she did not see the Notice until several weeks later.
- (5) Claimant, however, contends that she completed the FAST in August 2008 shortly after she applied for FIP benefits.
- (6) Claimant disagreed with the Department's decision to close her case because she completed the FAST in August 2008.
- (7) The Department received Claimant's hearing request on May 18, 2009. (Exhibit 4).

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).

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 105, Claimant has the responsibility to cooperate with the Department. In this case, Claimant asserted that she completed the FAST survey shortly after she applied for FIP benefits in August 2008. That Claimant received benefits for six months is consistent with finding that she timely completed the FAST. In addition, Claimant's 19-year-old son passed away on March 18, 2009, the same day that the Department sent her the Notice of Noncompliance. Therefore, Claimant has good cause for failing to timely respond to the notice based on the fact that she was preparing to bury her son. Claimant's testimony was found to be credible. Under these circumstances, it is found that Claimant did not fail to cooperate with the Department and her case should not have been closed for failure to submit the FAST survey.

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 case.

Accordingly, the Department's action is REVERSED. The Department is ORDERED to (a) reopen Claimant's FIP case, (b) allow Claimant to complete another FAST survey if one is needed and (c) reimburse Claimant for any benefits that she would have received during the period that her FIP case was closed.

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

Date Signed: 07/07/09

Date Mailed: 07/08/09

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.

TW/dj

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