

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20132695
Issue No.: 1021
Case No.: [REDACTED]
Hearing Date: March 21, 2013
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on March 21, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly deny Claimant's August 16, 2012 application for Family Independence Program (FIP) benefits?

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 August 16, 2012, Claimant applied for FIP benefits.
2. On October 1, 2012, the Department sent Claimant a Notice of Case Action denying the application.
3. On October 4, 2012, Claimant filed a request for hearing disputing the Department's action.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Additionally, the October 1, 2012 Notice of Case Action sent to Claimant notified her that her August 16, 2012 FIP application was denied on the basis that (i) there were no eligible children in the group and (ii) Claimant had failed to verify requested information.

Eligible Children

FIP provides assistance to families with children. BEM 100 (June 1, 2012), p 1. To be eligible for FIP the group must include a dependent child who lives with a legal parent, stepparent or other qualifying caretaker. BEM 210 (October 1, 2011), p 1. A dependent child includes an unemancipated child who lives with a parent and is under age 18. BEM 210, p 1.

At the hearing, the Department did not present any evidence to explain why Claimant's children were not eligible FIP group members. Claimant explained that all eight of the children listed in the October 1, 2012, Notice, including another child (with a January 2012 birthday), were minor children, under the age of twelve, and all were her biological children. The FSSP Home printout (Exhibit 2) presented by the Department supported Claimant's testimony that the children were minors. Therefore, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Claimant's FIP application on the basis that there were no eligible group members.

Failure to Complete FAST

The Department testified that Claimant's failure to verify concerned her failure to complete the Family Automated Screening Tool (FAST). FAST is an online initial screening to identify the strengths and needs of FIP families and is the first step of the client's Family Self-Sufficiency Plan (FSSP). BEM 228 (December 1, 2011), p 1. A FAST/FSSP notice, DHS-1535 (for work-eligible individuals referred to the work participation program) or 1536 (for deferred work-eligible individuals) is automatically sent to applicants the night after the first run of FIP eligibility determination and benefit calculation. BEM 228, p 2. A client's failure to submit the FAST within 30 days of the notice date is failure to meet eligibility requirements. BEM 228, p 16.

In this case, Claimant testified that she did not receive the FAST/FSSP notice. The Department's evidence showed that a FAST/FSSP notice was sent to Claimant on

August 11, 2011, but nothing was presented to establish that it sent a FAST/FSSP notice to Claimant after she filed the August 16, 2012 FIP application. Clients must complete the FAST for each episode of cash assistance. BEM 228, p 2. Because the Department failed to establish that it sent Claimant the FAST/FSSP notice in connection with her August 16, 2012 FIP application, it did not act in accordance with Department policy when it denied Claimant's FIP application for failure to verify on the basis that she failed to complete the FAST.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly denied Claimant's application improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case

for: AMP FIP FAP MA SDA CDC DSS.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly when .
 did not act properly when it denied Claimant's August 16, 2012, FIP application.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record and above.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister Claimant's August 16, 2012 FIP application;
2. Begin reprocessing Claimant's FIP application in accordance with Department policy and consistent with this Hearing Decision;
3. Issue supplements to Claimant for any FIP benefits she is eligible to receive, but has not, from August 16, 2012, ongoing; and
4. Notify Claimant in writing of its decision in accordance with Department policy.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 3/28/2013

Date Mailed: 3/28/2013

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ACE/hw

cc:

