

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

IN THE MATTER OF:

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Reg. No.: 2014-5357
Issue No(s): 1003
Case No.: ██████████
Hearing Date: January 15, 2014
County: Washtenaw-20

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

Following Claimant'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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, an in person hearing was held on January 15, 2014, from Ypsilanti, Michigan. Participants on behalf of Claimant included the Claimant. ██████████ served as Arabic language interpreter. Participants on behalf of the Department of Human Services (Department) included Y. Hardy and Candace Baker.

ISSUE

Did the Department properly close Claimant's FIP benefits for failing to cooperate?

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 20, 2013, the Department closed Claimant's Cash Assistance due to grantee and spouse failing to complete the FAST survey.
2. Claimant was not sent a notice to complete the FAST survey.
3. Claimant requested hearing on October 8, 2013, contesting the closure of FIP benefits.
4. The Department acknowledged at hearing that the FAST Notice was never sent to Claimant.

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), Department of Human Services Reference Tables Manual (RFT), and Department of 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, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

FAMILY AUTOMATED SCREENING TOOL

The Family Automated Screening Tool (FAST) is a 50-question, Web-based survey designed to identify an individual's strengths, needs and barriers to family functioning and/or successful employment. The framework of information about the family that is gathered from the FAST will pre-fill various sections of the FSSP.

Participants complete the FAST from any computer with Internet access. This could occur in the participant's home, through public Internet access, at the local PATH office, or from a PC available in the local DHS office. The address to the FAST is www.michigan.gov/fast. The client recipient ID, the name of the service county and the last four digits of the participant's Social Security number are entered to complete a FAST. (Instruct participant to enter four zeros when participant has no Social Security number.)

Completion of the FAST will take approximately 30 minutes depending on the individual's reading and computer skills. The participant must select an answer to every question even if it is skip. When the participant submits final answers to complete the FAST, the participant will be given a confirmation number to print or write down as verification that the FAST was completed.

Individuals with disabilities, no Internet access or literacy skills that prevent successful completion of the FAST may complete the DHS-595, Family Screening Tool. DHS specialists and PATH case managers must assist.

The participant's answers from the paper FAST must be entered on the electronic FAST to pre-fill information on the participant's FSSP. DHS staff enter this information for deferred participants. PATH case managers enter this information for referred participants. BEM 228

Additionally, Claimant credibly testified that he never received the notice to complete the FAST survey. After checking Department records at hearing, the Department acknowledged that the notice to complete the FAST survey was never sent to Claimant. The Department agreed to reinstate FIP benefits going back to the date of closure.

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

did not act in accordance with Department policy when it closed Claimant's FIP benefits.

DECISION AND ORDER

Accordingly, the Department's decision is

REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant's FIP benefits going back to the date of closure.
2. Pay Claimant a supplement for any missed benefits.



Aaron McClintic
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 01/17/2014

Date Mailed: 01/17/2014

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

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The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

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

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

ATM/pw

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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