

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

**IN THE MATTER OF:**

██████████  
██████████████████  
██████████████████████████████

Reg. No.: 2014-17803  
Issue No(s): 1001  
Case No.: ██████████  
Hearing Date: February 6, 2014  
County: Wayne (18)

**ADMINISTRATIVE LAW JUDGE:** Eric Feldman

**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, a telephone hearing was held on February 6, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Eligibility Specialist, and ██████████ Family Independence Manager.

**ISSUE**

Did the Department properly deny Claimant's Family Independence Program (FIP) application effective November 16, 2013, ongoing?

**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 October 24, 2013, Claimant applied for FIP benefits.
2. On October 29, 2013, the Department sent Claimant a Family Automated Screening Tool (FAST) Referred Notice (DHS-1535), which must be completed within 30 days of the notice. See Exhibit 1.
3. Claimant failed to complete the FAST questions by the due date.
4. On December 6, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP application was denied effective November 16, 2013,

ongoing, due to her failure to complete the FAST within 30 days of the notice. See Exhibit 1.

5. On December 6, 2013, Claimant filed a hearing request, protesting the FIP denial. See Exhibit 1.
6. On January 3, 2014, the Michigan Administrative Hearing System (MAHS) sent Claimant a Notice of Hearing, which scheduled her for a hearing on January 15, 2014. See Exhibit 1.
7. On January 14, 2014, Claimant requested an adjournment of her hearing. See Exhibit 1.
8. On January 17, 2014, the Administrative Law Judge (ALJ) granted Claimant's adjournment request. See Exhibit 1.
9. On January 27, 2014, MAHS sent Claimant a Notice of Hearing, which rescheduled her for a hearing on February 6, 2014. See Exhibit 1.

### **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.

Clients must complete a 21 day PATH application eligibility period (AEP) in order for their FIP application to be approved. BEM 229 (July 2013), p. 1. PATH participants must complete all of the following in order for their FIP application to be approved: begin the AEP by the last date to attend as indicated on the DHS-4785, PATH Appointment Notice; complete PATH AEP requirements; and continue to participate in PATH after completion of the 21 day AEP. BEM 229, p. 1. The Department denies the FIP application if an applicant does not complete all of the above three components of the AEP. BEM 229, p. 1.

The Department issues a FAST FSSP notice (DHS-1535, FAST Referral Notice or DHS-1536, FAST Mandatory Notice) to all work eligible and non-work eligible individuals upon completion of the intake interview and after worker runs EDDB in the system. BEM 229, p. 5.

In this case, on October 24, 2013, Claimant applied for FIP benefits. On October 29, 2013, the Department sent Claimant a FAST Notice, which must be completed within 30 days of the notice. See Exhibit 1. The Department testified that Claimant failed to complete the FAST questions by the due date. Thus, on December 6, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP application was denied effective November 16, 2013, ongoing, due to her failure to complete the FAST within 30 days of the notice. See Exhibit 1.

The participant's failure to submit the FAST within 30 days of the notice date is failure to meet eligibility requirements. BEM 228 (July 2013), p. 21. A task/reminder is sent to the specialist to deny the pending application for FIP. BEM 228, p. 21.

All participants listed on the notice are required to complete the FAST within 30 days and the FSSP within 90 days of the notice. BEM 228, p. 3. The completion of the FAST is required once for each episode of cash assistance. BEM 228, p. 3.

At the hearing, Claimant testified that she did not receive the FAST Referred Notice. Claimant testified that she does not have issues with her DHS correspondence. Claimant testified that the address was proper on the FAST notice. Claimant testified that she did not complete the FAST questions and did not know she had to complete it after each application. Claimant testified that she completed the FAST questions on a prior occasion, but not for her application dated October 24, 2013. It should be noted that the Department testified that it did not receive any unreturned mail and the FAST notice was centrally printed.

The proper mailing and addressing of a letter creates a presumption of receipt which may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976).

Based on the foregoing information and evidence, the Department properly denied Claimant's FIP application effective November 16, 2013, ongoing, in accordance with Department policy.

First, it is found that Claimant failed to rebut the presumption of proper mailing. The Department provided credible evidence and testimony that it properly sent the FAST Notice. Claimant confirmed the address was proper on the notice and the Department did not receive any unreturned mail.

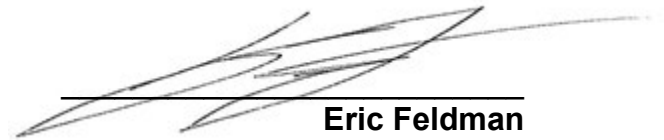
Second, because the Department properly sent the FAST notice, Claimant failed to complete the notice within 30 days of the notice date. The participant's failure to submit the FAST within 30 days of the notice date is failure to meet eligibility requirements. BEM 228, p. 21. A task/reminder is sent to the specialist to deny the pending application for FIP. BEM 228, p. 21. Because the FAST notice was properly mailed and Claimant failed to complete the required questions before the due date, the Department acted in accordance with Department policy when it denied Claimant's FIP

application effective November 16, 2013, ongoing. BEM 228, pp. 3 and 21; BEM 229, pp. 1-5.

**DECISION AND ORDER**

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 acted in accordance with Department policy when it properly denied Claimant's FIP application effective November 16, 2013, ongoing.

Accordingly, the Department's FIP decision is AFFIRMED.



**Eric Feldman**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: February 11, 2014

Date Mailed: February 11, 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.

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

Attention: MAHS Rehearing/Reconsideration Request

2014-17803/EJF

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

EJF/cl

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