

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201421077
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: January 30, 2014
County: Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 January 30, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly sanctioned the Claimant's Family Independence Program (FIP) case for failing to complete the Family Automated Screening Tool (FAST)?

FINDINGS OF FACT

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

1. The Claimant was a Family Independence Program (FIP) recipient.
2. On November 21, 2013, the Department notified the Claimant of his requirement to complete the Family Automated Screening Tool (FAST).
3. On December 21, 2013, the Department notified the Claimant that it would sanction his Family Independence Program (FIP) benefits for failing to complete the Family Automated Screening Tool (FAST).
4. The Department held a triage meeting on December 30, 2013, where the Claimant had an opportunity to establish good cause for his failure to complete the Family Automated Screening Tool (FAST).
5. The Department received the Claimant's request for a hearing on January 2, 2014, protesting the sanctioning of this Family Independence Program (FIP) benefits.

CONCLUSIONS OF LAW

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 MC L 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

The Family Independence Program (FIP) is a temporary cash assistance program to support a family's movement to self-sufficiency. The Family Self-Sufficiency Plan (FSSP) was created to allow DHS and other DHS client service providers to document and share information about mutual participants for optimal case management. The department's goal of assisting families to achieve self-sufficiency whenever possible can only be achieved if barriers are properly identified and overcome. Department of Human Services Bridges Eligibility Manual (BEM) 228 (July 1, 2013), p 1.

Noncompliance of applicants, recipients, or member adds includes failing to complete a Family Automated Screening Tool (FAST), as assigned as the first step in the Family Self-Sufficiency Plan (FSSP) process without good cause. Department of Human Services Bridges Eligibility Manual (BEM) 233A (January 1, 2013), pp 2-3.

All Family Independence Program (FIP) work eligible individuals and non-work eligible individuals must complete a Family Automated Screening Tool (FAST). Therefore, Family Independence Program (FIP) recipients that have been deferred from the Partnership. Accountability. Training. Hope. (PATH) program must also complete the Family Automated Screening Tool (FAST). BEM 228, p 3.

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.

In this case, the Claimant was a Family Independence Program (FIP) recipient and was deferred from participation in the Partnership Accountability Training Hope (PATH). On November 21, 2013, the Department notified the Claimant of his requirement to complete the Family Automated Screening Tool (FAST), which is required of all Family Independence Program (FIP) recipients including those that have been deferred from Partnership Accountability Training Hope (PATH) activities. On December 21, 2013, the Claimant had failed to complete the Family Automated Screening Tool (FAST), and the Department notified him that it would sanction his Family Independence Program (FIP) benefits as of February 1, 2014.

The Department held a triage meeting on December 30, 2013, where the Claimant had an opportunity to establish good cause for his failure to complete the Family Automated Screening Tool (FAST). The Claimant did not attend the triage meeting, and the Department determined that there was no good cause in the case based on the information available at that time.

The Claimant testified that he was not aware that deferred Family Independence Program (FIP) recipients were required to complete the Family Automated Screening Tool (FAST).


Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Claimant failed to establish good cause for his failure to complete the Family Automated Screening Tool (FAST), and the Department was acting in accordance with policy when it sanctioned his Family Independence Program (FIP) benefits.

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 sanctioned the Claimant's Family Independence Program (FIP) benefits.

Accordingly, the Department's decision is **AFFIRMED**.

Kevin


Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: February 3, 2014

Date Mailed: February 4, 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;

201421077/KS

- 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

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

KS/hj

cc:

