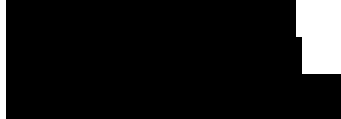


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 14-002377
Issue No.: 1001
Case No.: [REDACTED]
Hearing Date: JUNE 12, 2014
County: WAYNE-DISTRICT 17

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 June 12, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Specialist Case Manager and [REDACTED], Agency Translator.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case based on a failure to complete the required Family Automated Screening Tool (FAST)?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of FIP benefits.
2. On January 22, 2014, the Department sent Claimant a FAST Notice instructing her to complete the FAST within 30 days. (Exhibit 1)
3. On February 21, 2014, the Department sent Claimant a Notice of Case Action informing her that effective April 1, 2014, her FIP case would be closed on the basis that she failed to complete the FAST within 30 days of the FAST Notice. (Exhibit 2)
4. On May 6, 2014, Claimant submitted a hearing request disputing the Department's actions.

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, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

Additionally, as a condition of FIP eligibility, all WEIs and non-WEIs must work or engage in employment and/or self-sufficiency related activities. BEM 233A (July 2013), p.2. The participant's failure to submit a FAST within 30 days of the notice date is a failure to meet eligibility requirements and will result in ineligibility for FIP benefits. BEM 228 (July 2013), p. 21; BEM 233A, p.2.

In this case, the Department sent Claimant a FAST Notice instructing her to complete the FAST online within 30 days. (Exhibit 1). The Department stated that because Claimant did not complete the FAST, it sent her a Notice of Case Action informing her that effective April 1, 2014, her FIP case would be closing on the basis that she failed to complete the FAST within 30 days of the FAP Notice. (Exhibit 2). The Department testified that Claimant only completed the first page of the FAST, and that the remaining questions were unanswered. The Department presented Claimant's FAST for review. (Exhibit 4).

At the hearing, Claimant initially testified that she received the FAST Notice and that she timely completed the FAST. Claimant later testified that she did not receive the FAST Notice and stated that she became aware only after her FIP benefits were terminated that she was required to complete the FAST. Claimant testified that she came to her local office and with the assistance of an agency translator, completed the FAST on two occasions, the first on March 7, 2014, and again in April 2014. Although Claimant stated that she received confirmation pages and turned them in to the Department, Claimant did not provide confirmation that she completed the FAST within 30 days of the FAST Notice. Further, the Department presented a FSSP Search/Inquiry summary showing no FAST Completion Date as registered in Bridges. The Department stated that had Claimant properly completed the FAST and received confirmation, each date of completion would be listed on the FSSP Search/Inquiry summary. (Exhibit 3).

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 closed Claimant's FIP case based on a failure to complete a FAST. Claimant was informed that she may reapply for FIP benefits and have her eligibility determined.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **6/17/2014**

Date Mailed: **6/18/2014**

ZB / tlf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

cc:

