

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-020736
Issue No.: 1001
Agency Case No.: [REDACTED]
Hearing Date: January 04, 2016
County: WAYNE-DISTRICT 18

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on January 4, 2016, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator.

ISSUE

Did the Department properly deny Petitioner's 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 [REDACTED], Petitioner submitted an application for FIP benefits.
2. On [REDACTED] an application interview was conducted with Petitioner, during which she reported that she would be unable to attend PATH as she provided constant care for her disabled child.
3. On [REDACTED] the Department sent Petitioner a FAST Mandatory Notice instructing her to complete the FAST within 30 days of the notice. (Exhibit A)
4. Petitioner did not complete the FAST within 30 days of the FAST Mandatory Notice. (Exhibit G)

5. On an unverified date, the Department sent Petitioner a PATH Appointment Notice instructing her to attend PATH orientation.
6. On [REDACTED], Petitioner submitted a Medical Needs form which was completed by her child's doctor. (Exhibit C)
7. On [REDACTED] the Department sent Petitioner a Notice of Case Action informing her that her FIP application was denied on the basis that she failed to attend PATH orientation and on the basis that she failed to complete the required FAST within 30 days of the notice. (Exhibit F)
8. On [REDACTED], Petitioner requested a hearing disputing the denial of her FIP application.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) 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-.3131.

In this case, Petitioner sought deferral from participation in the PATH program as a parent who provides care of a child with disabilities living in the home. BEM 230A (July 2015), pp. 16-18. Thus, if approved, Petitioner would be considered a non-work eligible individual for purposes of PATH participation. BEM 230A, pp. 16-18. The Department is to temporarily defer an applicant with identified barriers that require further assessment or verification before a decision about a lengthier deferral is made, such as clients with serious medical problems or disabilities or clients caring for a child with disabilities. Additionally, clients should not be referred to orientation and AEP until it is certain that barriers to participation such as lack of child care or transportation have been removed, possible reasons for deferral have been assessed and considered, and disabilities have been accommodated. BEM 229 (July 2013), p. 2.

In addition, as a condition of FIP eligibility, all work eligible individuals (WEIs) and non-work eligible individuals (non-WEIs) are required to complete the FAST within 30 days of the notice. BEM 228 (July 2013), pp. 1-2. Although non-WEIs such as those individuals caring for a child with disabilities are not referred to PATH and are not required to participate in work related activities for a minimum number of hours, they

must complete a FAST. BEM 228, pp. 3-54;BEM 230A (January 2015), p. 18. A failure to complete a FAST by the due date is a failure to meet eligibility requirements and will result in application denial. BEM 228, p. 21.

In the present case, the Department testified that Petitioner's FIP application was denied because she failed to attend PATH orientation and because she failed to complete the FAST within 30 days of the FAST Mandatory Notice. The Department notified Petitioner of the denial of her application on [REDACTED], and sent her a Notice of Case Action. At the hearing, the Department stated that during the initial FIP application interview, Petitioner informed the Department that she would be unable to participate in PATH as she was constantly caring for her disabled child. Petitioner provided the Department with the required Medical Needs form (DHS 54-A) on [REDACTED]. (Exhibit C). The Department acknowledged that Petitioner should not have been referred to PATH while her deferral request was pending. Therefore, the denial based on a failure to attend PATH orientation was improper.

With respect to the FIP application denial based on a failure to complete the FAST, the Department testified and provided documentation to show that Petitioner did not complete the FAST within 30 days of the notice as instructed. (Exhibit A; Exhibit G). At the hearing, Petitioner confirmed that she did not complete the FAST. Petitioner initially stated that she did not complete the FAST because her internet was down and she did not have enough money to pay to have it restored. Petitioner did not establish that she notified the Department of her inability to complete the FAST due to her lack of internet access, however. Petitioner also testified that she thought that because she was seeking a deferral and provided the Medical Needs form for her son's medical conditions, that she was not required to complete the FAST and that it would be considered good cause for her failure to complete the FAST. As discussed above, however, all non-WEIs are required to complete the FAST pursuant to Department policy.

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 denied Petitioner's FIP application. Petitioner is informed that she is entitled to submit a new application for FIP benefits and have her eligibility determined.

DECISION AND ORDER

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



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **1/5/2016**

Date Mailed: **1/5/2016**

ZB / hw

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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 48909-8139

CC:

