



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: April 6, 2016
MAHS Docket No.: 16-001358
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, an in-person hearing was held on March 31, 2016, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], hearing facilitator.

ISSUES

The first issue is whether Petitioner timely requested a hearing to dispute a denial of Family Independence Program (FIP) applications corresponding to denial notices dated [REDACTED], or earlier.

The second issue is whether MDHHS properly denied Petitioner's FIP application dated [REDACTED], due to Petitioner's failure to complete a Family Assessment Service Plan (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. Petitioner submitted one or more FIP applications to MDHHS before [REDACTED]
2. On [REDACTED], Petitioner completed a FAST.

3. On [REDACTED] MDHHS mailed a Notice of Case Action (Exhibit A, pp. 1-2) denying one of Petitioner's FIP applications.
4. On [REDACTED], Petitioner reapplied for FIP benefits.
5. On [REDACTED], MDHHS mailed Petitioner a FAST Referred Notice (Exhibit 1, pp. 1-2).
6. On [REDACTED], MDHHS denied Petitioner's FIP application due to Petitioner's failure to complete a FAST.
7. As of [REDACTED], Petitioner most recently completed a FAST on [REDACTED].
8. On [REDACTED], Petitioner completed a FAST.
9. On [REDACTED], Petitioner requested a hearing to dispute a denial of 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. MDHHS (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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner's hearing request stated she had been applying for FIP benefits since [REDACTED]. [REDACTED] Petitioner testimony was indicative that she wanted to dispute every FIP application denial since [REDACTED].

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 (4/2015), p. 6. The request must be received in the local office within the 90 days. *Id.*

Petitioner's hearing request was submitted to MDHHS on [REDACTED]. Petitioner is entitled to dispute any application denial mailed to her since [REDACTED] (the 90th day before her hearing request).

During the hearing, Petitioner was asked to present all of her FIP application denial notices. Petitioner presented a notice dated [REDACTED] (Exhibit A, pp. 1-2) and a notice dated [REDACTED] (Exhibit A, pp. 3-4). Petitioner testified all other application denial notices were dated before [REDACTED]. The only notice for which Petitioner timely requested a hearing was the notice dated [REDACTED]. It

was not disputed that this notice corresponded to a FIP application dated [REDACTED], [REDACTED]. It is found Petitioner failed to timely request a hearing for denied FIP applications from before [REDACTED].

Petitioner's FIP application dated [REDACTED], may be disputed because Petitioner timely requested a hearing following written notice of denial. The denial notice stated Petitioner's application was denied due to Petitioner's failure to complete a FAST.

The Family Automated Screening Tool (FAST) is a Web-based initial screening to identify the strengths and needs of FIP families. BEM 228 (October 2015), p. 2. Completing a FAST is one of the FIP participant's first required work related activities and establishes a foundation for the development of a successful FSSP. *Id.* All Work Eligible Individuals (WEIs) and non WEI's as defined below are required to complete the FAST within 30 days and participate in the development of the FSSP within 90 days of the FAST/FSSP notice. *Id.* All FIP WEIs and non-WEIs must complete a FAST and develop a FSSP. *Id.*

A FAST/FSSP notice, DHS-1535 or 1536 is automatically sent to applicants the night after the first run of eligibility (EDBC) for FIP. *Id.*, p. 3. All participants listed on the notice are required to complete the FAST within 30 days and the FSSP within 90 days of the notice. *Id.* The DHS-1535 is for deferred WEIs and the DHS-1536 is for referred WEIs. *Id.*

MDHHS presented a FAST Referred Notice (Exhibit 1, pp. 1-2) dated [REDACTED]. [REDACTED] Petitioner conceded the form included her correct mailing address. Petitioner testimony initially asserted that she did not receive notice of her FAST obligation. Later Petitioner testimony implied she received the notice, but did not act upon it. Petitioner testified, at the time the FAST Referred Notice was mailed, she was not living at her mailing address. Petitioner testified she was unable to take care of herself and had to live with a person who was helping her recuperate from a gunshot. It is found MDHHS mailed proper notice of a FAST obligation to Petitioner.

Petitioner testimony also indicated she completed the FAST. MDHHS presented a document which listed the dates a FAST was previously completed. The most recent dates of [REDACTED] and [REDACTED] were listed. Neither FAST was completed within 30 of the FAST notice mailing. More importantly, neither FAST was completed between [REDACTED] (Petitioner's application date) and [REDACTED], [REDACTED] (the application denial date).

Consideration was given to allowing Petitioner's FAST from August 2015 to satisfy Petitioner's FAST obligation associated with her application submitted to MDHHS in October 2015. MDHHS policy specifically prohibits such an allowance.

The completion of the FAST is required once for each episode of cash assistance. *Id.* The participant's failure to submit the FAST within 30 days of the notice date is failure to meet eligibility requirements. A task/reminder is sent to the specialist to deny the pending application for FIP.

Petitioner testimony credibly indicated she has undergone a challenging several months. Petitioner credibly testified she was shot in the leg, lost her job, and has to raise her child alone. Petitioner further testified MDHHS has been less than helpful in assisting her in the FIP application process. Petitioner's circumstances are recognized as those that should justify assistance; Petitioner's circumstances do not allow disregarding the requirement of completing a FAST. It is found MDHHS properly denied Petitioner's FIP application due to Petitioner's failure to complete a FAST.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that Petitioner did not timely request a hearing to dispute FIP application denials associated with a denial date of [REDACTED] and various earlier dates. Petitioner's hearing request is **PARTIALLY DISMISSED**.

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's FIP application dated [REDACTED], [REDACTED] due to Petitioner's failure to complete a FAST. The actions taken by MDHHS are **AFFIRMED**.

CG/hw



Christian Gardocki

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]