



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: March 3, 2017
MAHS Docket No.: 16-019472
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, a telephone hearing was held on [REDACTED], from Detroit, Michigan. Petitioner appeared and was unrepresented. [REDACTED], Petitioner's children's father, testified on behalf of Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], manager, and [REDACTED], specialist.

ISSUE

The issue is whether MDHHS properly denied 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 applied for FIP benefits.
2. Petitioner's FIP group included her children's father.
3. On [REDACTED], MDHHS mailed Petitioner a Family Automated Screening Tool (FAST) Mandatory Notice informing Petitioner and her children's father of an obligation to complete a FAST.
4. On [REDACTED], Petitioner's children's father completed a FAST, accidentally using the ID number of Petitioner.

5. On [REDACTED], MDHHS denied Petitioner's FIP eligibility due to Petitioner's child's father's failure to complete a FAST in his name.
6. On [REDACTED], Petitioner requested a hearing to dispute the 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 requested a hearing to dispute FIP eligibility. Petitioner testified that her only dispute concerned a denial of FIP eligibility from her most recently submitted application. MDHHS presented a Notice of Case Action (Exhibit 1, pp. 5-6) dated [REDACTED]. The stated reason for denial was a household member's failure to complete a FAST.

Bridges 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 EDBC in Bridges. BEM 229 (October 2015), p. 5. Failure to complete the FAST or FSSP by the due date may result in case closure for failure to provide the department with needed information. *Id.*

MDHHS presented a FAST Mandatory Notice (Exhibit 1, pp. 1-2) dated [REDACTED]. The notice informed Petitioner and her child's father of an obligation to complete a FAST within 30 days. The notice listed names and ID numbers for Petitioner and her child's father.

MDHHS presented two documents (Exhibit 1, pp. 3-4) purportedly verifying Petitioner's FAST history. The documents stated two FASTs were completed on [REDACTED]. Both FASTs were credited to Petitioner.

Petitioner's child's father testified he completed a FAST on [REDACTED]. He testified he used Petitioner's case number for his FAST which caused the FAST to automatically generate his child's mother's information. Petitioner's child's father testified he brought this to the attention of persons at the Michigan Works! Agency (MWA) who told him that Petitioner's MDHHS specialist would fix the error.

Petitioner's specialist credibly denied possessing the capability to change the FAST registered to Petitioner to her child's father. She testified that when she processed

Petitioner's FIP eligibility, FIP was denied because the MDHHS database did not recognize any FASTs as completed by Petitioner's child's father.

Ideally, Petitioner's spouse would have completed a second FAST rather than believing that MDHHS should have corrected his error. As it happened, Petitioner's children's father completed a second FAST on [REDACTED]; the FAST was untimely as it was after MDHHS had denied Petitioner's FIP eligibility.

It is appreciated that Petitioner's child's father contributed to the MDHHS database not recognizing his completed FAST by failing to use a proper case number. It is also appreciated that Petitioner's specialist probably did not have the ability to correct Petitioner's child's father's error. Despite these considerations, a just result would not allow upholding the denial of FIP benefits.

Petitioner's child's father completed a FAST on the same date of Petitioner. MDHHS was aware of the FAST completion. The completion of the FAST was functional compliance with MDHHS policy.

It is found that MDHHS improperly denied Petitioner's FIP application. MDHHS will be ordered to re-register Petitioner's FIP application, including recognizing Petitioner's child's father FAST completion date of [REDACTED].


DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly denied Petitioner's FIP eligibility. It is ordered that MDHHS begin to perform the following actions within 10 days of the date of mailing of this decision:

- (1) Re-register Petitioner's FIP application dated [REDACTED]; and
- (2) Process Petitioner's FIP eligibility subject to the finding that Petitioner's child's father properly completed a FAST on [REDACTED].

The actions taken by MDHHS are **REVERSED**.

CG/jaf



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]

Petitioner

[REDACTED]

[REDACTED]