



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: September 26, 2018
MAHS Docket No.: 18-007756
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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; 42 CFR 438.400 to 438.424; 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 August 30, 2018, from Lansing, Michigan. Petitioner personally appeared and testified.

The Department of Health and Human Services (Department) was represented by Hearing Facilitator Gregory Folsom. Mr. Folsom testified on behalf of the Department. The Department submitted 56 exhibits. The record was closed at the conclusion of the hearing.

ISSUE

Did the Department properly deny Petitioner's application for the Family Independence Program (FIP) for failing to complete the 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. On [REDACTED], 2018, Petitioner applied for FIP benefits. [Dept. Exh. 6-30].
2. On April 2, 2018, the Department mailed Petitioner a Verification Checklist requesting proof of school attendance and a copy of Petitioner's driver's license. [Dept. Exh. 31-32].
3. On April 2, 2018, the Department mailed Petitioner a FAST-REFERRED NOTICE indicating she had 30 days to complete the FAST. [Dept. Exh. 33-35].

4. On May 11, 2018, the department requested Petitioner to complete the FAST on May 11, 2018, in order for her to receive FIP for her brother and sister. [Dept. Exh. 53].
5. On May 14, 2018, the Department mailed Petitioner a Notice of Case Action informing Petitioner that her FIP application was denied for her failure to timely complete the FAST. [Dept. Exh. 36-37].
6. On June 8, 2018, the Department received the requested school attendance verifications. [Dept. Exh. 38-43].
7. On July 26, 2018, the Department received Petitioner's request for a hearing to contest the denial of FIP benefits. [Dept. Exh. 4-5].
8. On July 27, 2018, the Department mailed Petitioner a notice for the Pre-Hearing Conference scheduled for August 6, 2018 at 1:00 p.m. [Dept. Exh. 3].
9. On August 6, 2018, Petitioner attended the Pre-Hearing conference, during which she requested a hearing.
10. On August 30, 2018, Petitioner credibly testified that she did not receive the FAST notice and was unaware the FAST needed to be completed by May 2, 2018, since she did not receive the notice, and she first heard of the FAST in an email from her worker on May 11, 2018.
11. On August 30, 2018, there was testimony from the Department that the department was restructuring the login account for clients which may have been part of the problem Petitioner experienced in trying to login to complete the FAST.

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.

The Family Automated Screening Tool (FAST) is a Web-based initial screening to identify the strengths and needs of FIP families. Bridges Eligibility Manual (BEM) 228, p 2 (7/1/2018). 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 Family Self-Sufficiency Plan (FSSP). BEM 228, p 2.

All Work Eligible Individuals (WEIs) and non WEI's 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. BEM 228, p 2. **The department is required to explain the purpose of the FAST and FSSP during the initial in-person or phone interview and determine whether the participant needs a paper copy of the DHS-595, FAST or additional help to complete the FAST.** BEM 228, p 3 (emphasis added).

In this case, a review of the evidence submitted by Petitioner (See Dept. Exh. 44-56) and the testimony of Petitioner and the department, finds that the department did not explain what the FAST was, or whether Petitioner needed additional help in completing the FAST.

According to the evidence of record, the department requested Petitioner to complete the FAST on May 11, 2018, in order for her to receive FIP for her brother and sister. [Dept. Exh. 53]. Petitioner responded to the department and requested her case number. According to Petitioner's credible testimony, she did not know there was a case number and a client number, which were different numbers. On June 21, 2018, Petitioner is asking for her client identification number. [Dept. Exh. 52]. The department responds that they will look into it. [Dept. Exh. 51]. On July 13, 2018, Petitioner tells the department that she is still waiting for her Client ID. [Dept. Exh. 51]. The department tells Petitioner that they will look into it on Monday. [Dept. Exh. 51]. On July 19, 2018, Petitioner is asking for help with her Client ID. [Dept. Exh. 50] On July 20, 2018, the department emails Petitioner that they had to research the case and the FAST notice was sent to Petitioner on April 2, 2018. [Dept. Exh. 48-49]. Missing from the department's summary on department exhibit's 48-49, is the department telling Petitioner on May 11, 2018, that she needed to complete the FAST to obtain the FIP benefits for her siblings.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's FIP application on May 2, 2018, but told her to complete it on May 11, 2018.

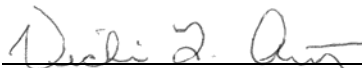
DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Petitioner's FIP eligibility back to the application date of March 30, 2018.
2. Mail the Petitioner an updated Notice of Case action of the results of the redetermination.

VLA/nr



Vicki L. Armstrong
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) 763-0155; 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

Mark Epps
4809 Clio Road
Flint, MI
48504

Genesee Clio County DHHS- via
electronic mail

BSC2- via electronic mail

G. Vail- via electronic mail

B. Cabanaw- via electronic mail

Petitioner

[REDACTED]
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