



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
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[REDACTED] MI [REDACTED]

Date Mailed: February 19, 2019
MAHS Docket No.: 18-013880
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 February 14, 2019, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Lacy Miller Hearing Facilitator. Department Exhibit 1, pp. 1-36 was received and admitted.

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] 2018, Petitioner applied for FIP benefits via an online application.
2. On [REDACTED] 2018, a Family Automated Screening Tool (FAST) notice was sent to Petitioner instructing her to complete the FAST within 30 days.
3. On December 19, 2018, Notice of Case Action was sent to Petitioner informing her that her FIP application was denied because she failed to complete the FAST.
4. Petitioner re-applied for FIP benefits on December 26, 2018 and was approved.
5. Petitioner was active for FIP at the time of hearing.

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.

WHEN TO COMPLETE

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

The completion of the FAST is required once for each episode of FIP assistance. The FSSP is complete when the participant, department and other service providers have agreed to the activities and the agreement date is entered in the Contract Agreement under the Contracts tab of the FSSP.

The FAST is required for the determination of good cause. When a participant is noncompliant with work related activities and a FAST has not been completed during the same episode of assistance, a FAST must also be completed, in order to determine good cause.

Send a DHS-2442, Notice of Employment-Related Appointment/Assignment or Home call, to the participant after the submission of the FAST and before the 90th day from the date the FAST/FSSP notice to arrange for the development of an FSSP for those not served by PATH.

Note: The completion of the FSSP requires action by all agencies involved in the case management of the participant. The participant cannot be considered noncompliant for the FSSP, if the agency fails to complete the FSSP mapping process.

WHO MUST COMPLETE

All FIP WEIs and non-WEIs must complete a FAST and develop a FSSP. BEM 228

In this case, Petitioner testified that she had difficulty reaching someone from the Department to assist her in completing the FAST, in part due to issues with her phone service. Petitioner testified that she had transportation difficulty and could not get to the Department office or somewhere else with internet access to complete the FAST prior to the deadline. Petitioner testified that she did not have internet access at her home.


Department policy requires that applicants complete FAST within 30 days. 30 days is a reasonable time frame to complete the FAST. Petitioner had valid explanations regarding the difficulties she encountered attempting to complete the FAST, but the Department has a strict requirement that it be completed within 30 days. Petitioner failed to complete the FAST within 30 days, therefore the denial was proper and correct. BEM 228

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 for failing to complete FAST.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
Administrative Law Judge
for Robert Gordon, 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

Erin Bancroft
105 W. Tolles Drive
St. Johns, MI
48879

Clinton County DHHS- via electronic mail

BSC2- via electronic mail

G. Vail- via electronic mail

B. Cabanaw- via electronic mail

Petitioner

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