



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: December 10, 2019
MOAHR Docket No.: 19-011293
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Landis Lain

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 December 5, 2019, from Lansing, Michigan. The Petitioner was represented by Petitioner, [REDACTED] [REDACTED]. The Department of Health and Human Services (Department or Respondent) was represented by Crystal Conlin, Family Independence Supervisor.

Respondent's Exhibits 1-3 were admitted as evidence.

ISSUE

Did the Department properly deny Petitioner Family Independence Program (FIP)?

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] [REDACTED] [REDACTED] Petitioner filed an application for FIP.
2. On September 4, 2019, the Department sent Petitioner a Family Automated Screening Tool (FAST) Mandatory Notice (DHHS 1536) to complete within 30 days (October 4, 2019).
3. On September 17, 2019, Petitioner attended Work First Orientation and was enrolled in AEP.
4. Petitioner was informed that she must report back to Work First on Thursday September 19, 2019.

5. Petitioner did not attend Work First on the assigned date but returned to Work First on September 23, 2019.
6. The completed Mandatory FAST was not returned by the due date.
7. Petitioner did not complete and return the Mandatory FAST until October 7, 2019, which meant that Petitioner's FIP approval date was not activated for the month of September or October 2019.
8. The caseworker contacted Petitioner and told her that her case was closed, and she did not need to return to work first because she did not complete the Mandatory FAST in a timely manner.
9. On October 9, 2019, the Department sent Petitioner a Notice of Case Action informing her that Petitioner was denied FIP for the month of October 1-October 31, 2019 and approved for FIP ongoing from November 1, 2019

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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.

Pertinent Department policy dictates:

All Programs Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Obtain verification when:

- Required by policy. Bridges Eligibility Manual (BEM) items specify which factors and under what circumstances verification is required.
- Required as a local office option. The requirement must be applied the same for every client. Local requirements may not be imposed for Medicaid Assistance (MA).
- Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. (Bridges Administrative Manual (BAM) 130, page 1)

The Family Independence Program (FIP) is a temporary cash assistance program to support a family's movement to self-sufficiency. The Family Self-Sufficiency Plan (FSSP) was created to allow Michigan Department of Health and Human Services (MDHHS) and other MDHHS client service providers to document and share information about mutual participants for optimal case management. The department's goal of assisting families to achieve self-sufficiency whenever possible can only be achieved if barriers are properly identified and overcome. Use the Family Automated Screening Tool (FAST) and the FSSP described below to serve the FIP assistance recipients

Federal and state laws require each family receiving FIP to develop a plan and participate in activities that will strengthen the family and/or help them reach self-sufficiency. Users of the FSSP include MDHHS and the Partnership. Accountability. Training. Hope. (PATH)/one-stop service centers. (BEM 228, page 1)

The Family Automated Screening Tool (FAST) is a Web-based initial screening to identify the strengths and needs of FIP families. 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. (BEM 228, page 2)

The completion of the FAST is required once for each episode of FIP assistance. 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. (BEM 228, page 3)

The Family Automated Screening Tool (FAST) is a 50-question, Web-based survey designed to identify an individual's strengths, needs and barriers to family functioning and/or successful employment. The framework of information about the family that is gathered from the FAST will pre-fill various sections of the FSSP. Participants complete the FAST from any computer with Internet access. This could occur in the participant's home, through public Internet access, at the local PATH office, or from a PC available in the local MDHHS office. The address to the FAST is www.michigan.gov/fast. The client

recipient ID, the name of the service county and the last four digits of the participant's Social Security number are entered to complete a FAST. (Instruct participant to enter four zeros when participant has no Social Security number.) Completion of the FAST will take approximately 30 minutes depending on the individual's reading and computer skills. The participant must select an answer to every question even if it is skip. When the participant submits final answers to complete the FAST, the participant will be given a confirmation number to print or write down as verification that the FAST was completed. Individuals with disabilities, no Internet access or literacy skills that prevent successful completion of the FAST may complete the DHS595, Family Screening Tool. MDHHS specialists and PATH case managers must assist. The participant's answers from the paper FAST must be entered on the electronic FAST to pre-fill information on the participant's FSSP. MDHHS staff may enter this information for deferred participants. (BEM 228, page 5)

A Work Eligible Individual (WEI) and non-WEIs (except ineligible grantees, clients deferred for lack of childcare, and disqualified aliens), see BEM 228, who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized. Depending on the case situation, penalties include the following:

- Delay in eligibility at application.
- Ineligibility (denial or termination of FIP with no minimum penalty period).
- Case closure for a minimum of three months for the first episode of noncompliance, six months for the second episode of noncompliance and lifetime closure for the third episode of noncompliance. (BEM 233A page 1)

Noncompliance by a WEI while the application is pending results in group ineligibility. A WEI applicant who refused employment without good cause, within 30 days prior to the date of application or while the application is pending, must have benefits delayed; see Benefit Delay for Refusing Employment in this item. (BEM 233A, page 7)

Example: Client applies for FIP on May 7. Client refuses work without good cause on May 21. The 30th day from the refusal date is June 20. FIP benefits may not be authorized for any pay period earlier than July 1, as long as all other eligibility requirements have been completed. (BEM 233A page 7)

In the instant case, Petitioner did not complete the FAST tool until October 9, 2019. Benefits for cash assistance applicants cannot begin until the pay period in which all eligibility factors are met. The evidence establishes on the record indicates that the FAST Tool was not received by the Department in a timely manner. Petitioner has not established good cause for the failure to timely return the information to the Department. The Department's case is established by a preponderance of the evidence presented.

A preponderance of evidence is evidence which is of a greater weight or more convincing than evidence offered in opposition to it. It is simply that evidence which

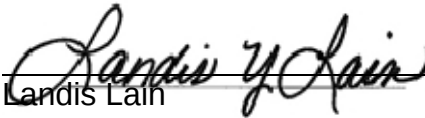
outweighs the evidence offered to oppose it *Martucci v Detroit Commissioner of Police*, 322 Mich 270; 33 NW2d 789 (1948).

DECISION AND ORDER

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 has established by the necessary competent, material and substantial evidence on the record that it acted in accordance with Department policy when it delayed approval for Petitioner's Family Independence Program Assistance benefits because Petitioner failed to provide requested FAST documentation in a timely manner. The Department has established the case by a preponderance of evidence on the record.

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

LL/nr



Randis Lalin
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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:
Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

LaClair Winbush
17455 Grand River
Detroit, MI
48227

Wayne 31 County DHHS- via electronic
mail

BSC4- via electronic mail

G. Vail- via electronic mail

B. Cabanaw- via electronic mail

H. Norfleet- via electronic mail

D. Sweeney- via electronic mail

Petitioner

[REDACTED] - via first class mail
[REDACTED]
[REDACTED] MI
[REDACTED]