



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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

Date Mailed: December 11, 2019
MOAHR Docket No.: 19-011635
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 Natalie McLaurin.

Respondent's Exhibit A pages 1-26 were admitted as evidence.

ISSUE

Did the Department properly deny Petitioner's application for Family Independence Program (FIM)?

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 Family Independence Program (FIP).
2. On September 23, 2019, a PATH appointment (DHS-4785) was issued with a start date of September 9, 2019 and September 30, 2019.
3. On October 11, 2019, the Department received an email was sent from Michigan Works (MI Works) to Saginaw County Partnership, Accountability, Training and Hope (PATH) Coordinator stating that Petitioner falsified documents.

4. On October 14, 2019, a Notice of Case Action (DHS-1605) was issued denying FIP September 16, 2019-ongoing due to client not being the primary caretaker of a minor child and a group member failed to complete the entire PATH orientation process.
5. On [REDACTED] [REDACTED] [REDACTED] Petitioner filed a Request for Hearing (DHS-18) contesting the Department's negative action.
6. On November 5, 2019, the Michigan Office of Administrative Hearings and Rules received the Hearing Summary and attached documents in support of the Department's negative action.

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:

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)

In the instant case, Petitioner provided incorrect information to Work First.

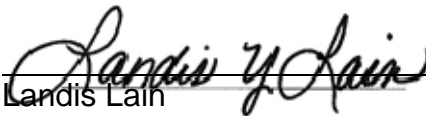
A preponderance of evidence is evidence which is of a greater weight or more convincing than evidence offered in opposition to it. It is simply that evidence which outweighs the evidence offered to oppose it *Martucci v Detroit Commissioner of Police*, 322 Mich 270; 33 NW2d 789 (1948).

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 denied Petitioner's Family Independence Program Assistance benefits because Petitioner falsified information to Work First. The Department has established the case by a preponderance of evidence on the record.

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

LL/nr



Landis Lain
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

Kathleen Verdoni
411 East Genesee
PO Box 5070
Saginaw, MI
48607

Saginaw County DHHS- via electronic mail

BSC2- 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]
[REDACTED], MI
[REDACTED]