



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED] [REDACTED]
Date Mailed: August 15, 2017
MAHS Docket No.: 17-008491
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 three-way telephone hearing was held on August 9, 2017, from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Ebony Hill, Eligibility Specialist.

ISSUE

Did the Department properly close the Petitioner's Family Independence Plan (FIP) Cash Assistance?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. At the hearing, the Petitioner withdrew her hearing request dated June 19, 2017, for FAP as the matter was resolved; and she no longer wish to have a hearing on this issue.
2. The Petitioner was sent a FAST (Family Automated Screening Tool) Referral Notice (FAST) on December 2, 2016, which was to be completed within 30 days of the FAST notice.
3. The Petitioner completed a FAST Referral Notice on January 3, 2017, which was received on day 32; therefore, the FAST was not timely.

4. The Department sent a Notice of Case Action on March 2, 2017, closing the Petitioner's FIP cash assistance effective April 1, 2017, due to failure to complete the FAST.
5. The Petitioner reapplied for FIP benefits on April 5, 2017.
6. The Department issued a Notice of Case Action on April 5, 2017, approving the Petitioner for FIP cash assistance effective May 1, 2017, for \$274 monthly. Exhibit 3.
7. The Petitioner requested a timely hearing on June 19, 2017, protesting the Department's action.

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 Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In this case, the Petitioner withdrew her hearing request regarding FAP on the record at the hearing stating that she no longer required a hearing on this issue; therefore, the Petitioner's FAP request for hearing will be ordered withdrawn.

The Department closed the Petitioner's FIP case due to her failing to timely file a FAST sent to her on December 2, 2017. The FAST was not filed within 30 days as required by the Notice of Case Action issued March 2, 2017; and her FIP benefits were closed effective April 1, 2017. Exhibit A. The Notice required filing of the FAST within 30 days, and there was no policy deferral of the 30-day due date due to holidays; and thus, the Department correctly closed the Petitioner's case for failing to timely file the FAST. A FIP participant must complete a FAST for each FIP episode of assistance. BEM 228 (October 2015), p. 3.

Subsequently, the Petitioner reapplied for FIP benefits on April 5, 2017. The Petitioner receives Supplemental Security Income (SSI) and is not required to attend the PATH program. The Petitioner was approved for FIP effective May 1, 2017. Exhibit 3.

The Petitioner requested a hearing seeking FIP benefits for April 2017 which she believes she is due her, based upon the April 5, 2017, application date.

The Petitioner reapplied for FIP on April 5, 2017, and completed the FAST on April 10, 2017. Exhibit 1. The the Petitioner completed the FAST and asserted that she should have been eligible for FIP for April 2017.

Department policy found in BAM 115 applicable to FIP initial benefits provides:

Provided the group meets all eligibility requirements, begin assistance in the pay period in which the application becomes 30 days old.

If the application becomes 30 days old and the group has **not** met eligibility requirements, begin assistance for the first pay period when it does.

Bridges issues initial benefits as appropriate. BAM 115 (July 2017), p. 26.

Thus, based upon policy found in BAM 115, the Department correctly determined that the Petitioner was eligible for FIP benefits as of May 1, 2017, as the Petitioner's FIP application dated April 5, 2017, was not 30 days old until May 5, 2017. The Petitioner would not be eligible for FIP in April 2017 based upon BAM 115.

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 closed the Petitioner's FIP benefits on April 1, 2017, due to failing to file a timely FAST.

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 found the Petitioner eligible for FIP beginning May 1, 2017, based upon her April 5, 2017, application.

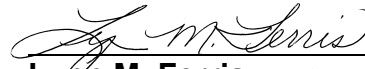
DECISION AND ORDER

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

The Petitioner's Hearing Request dated June 19, 2017, regarding FAP is hereby **WITHDRAWN**.

IT IS SO ORDERED.

LF/jaf



Lynn M. Ferris
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

MDHHS

MDHHS-Wayne-49-Hearings

Petitioner



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