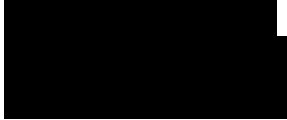




GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: February 11, 2020
MOAHR Docket No.: 19-013526
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 6, 2020 from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Lori Gripper-Williams, Family Independence Manager.

ISSUE

Did the Department properly determine Petitioner's Child Development and Care (CDC) group eligibility?

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits?

Did the Department properly close Petitioner's 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 November 8, 2019, the Department issued a Family Automated Screening Tool (FAST) Referred Notice notifying Petitioner that she must complete the FAST within 30 days of the notice and the Family Self-Sufficient Plan (FSSP) within 90 days of the notice; the notice further advised that if she did not complete these requirements her benefits would end and her FAP benefits may be reduced or terminated.

2. On December 3, 2019, the Department issued a Notice of Case Action to Petitioner informing her that her FIP case had been approved effective November 16, 2019 through November 30, 2019 in the amount of \$204.50 for a group size of three and effective December 1, 2019, ongoing in the amount of \$198.00 per month for a group size of three.
3. On December 9, 2019, the Department issued a Notice of Noncompliance to Petitioner informing her that Department records showed that she had failed to complete FAST by December 8, 2019 and was scheduled for a meeting on December 19, 2019 at 9:00 AM to discuss the reasons for noncompliance; the notice also advised Petitioner that the penalty for noncompliance with FIP requirements was a case closure for three months.
4. On December 12, 2019, the Department issued another Notice of Case Action to Petitioner informing her that effective January 1, 2020, her FIP case would close because she “failed to participate in employment and/or self-sufficiency-related activities or [she] quit a job, [was] fired, or reduced [her] hours of employment without good cause”; she was also informed that her FIP case would remain closed for three months from January 1, 2020 through March 31, 2020.
5. On December 23, 2019, the Department received a Request for Hearing from Petitioner disputing the Department’s failure to make a decision on eligibility for CDC benefits of her son, the closure of FAP benefits, and closure of FIP benefits.
6. At the hearing, Petitioner testified that her concerns related to CDC and FAP had been resolved and she did not wish to request the 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).

Family Independence Program (FIP)

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.

In this case, Petitioner disputes the Department’s closure of her FIP benefits for failure to complete FAST. The FIP is a temporary cash assistance program to support a family’s movement toward self-sufficiency. BEM 230A (October 2019), p. 1. The FAST is a web-based initial screening to identify the strengths and needs of FIP families. BEM 228 (July 2018), p. 2. Completing FAST is one of the FIP group’s first required

work-related activities and establishes a foundation for the development of a Family Self Sufficiency Plan (FSSP). *Id.* When FIP clients fail to complete FAST within 30 days, the client's application is denied for FIP. BEM 228, p. 19.

Petitioner credibly testified that she did not receive the FAST Referred Notice prior to the due date. Instead, Petitioner received multiple FIP related documents at the same time including the initial Notice of Case Action opening her FIP benefits, the Notice of Case Action closing her FIP benefits, and the FAST Referred Notice. Petitioner spoke with her local post office who advised her that all mail is delivered on a timely basis, the day it should be according to their standards, and that any delay is the result of problems with the Department and not the Post Office. Furthermore, now that Petitioner is aware of the delays in her mail from the Department, she has opted to use her online Bridges account on a regular basis rather than relying upon traditional mail delivery. Since Petitioner did not receive the notification to complete FAST until after the deadline had passed, she cannot be expected to have completed FAST timely. Therefore, closure of Petitioner's FIP case was inappropriate.

Food Assistance Program (FAP) and Child Development and Care (CDC)

The 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.

The CDC program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

At the hearing, Petitioner testified that her concerns had been resolved related to CDC and FAP benefits. As a result, she wanted to withdraw her hearing request. The Department had no objection. Therefore, Petitioner's request for hearing as it relates to **CDC** and **FAP** benefits is **DISMISSED**.

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 did not act in accordance with Department policy when it closed Petitioner's FIP case.

DECISION AND ORDER

Petitioner's request for hearing for **CDC** and **FAP** benefits is **DISMISSED**.

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 benefit effective January 1, 2020;
2. If otherwise eligible, issue supplements to Petitioner for benefits not previously received; and,
3. Notify Petitioner in writing of its decision.



AMTM/jaf

Amanda M. T. Marler
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

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Petitioner

