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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

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Date Mailed: September 29, 2023
MOAHR Docket No.: 23-004764
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 September 27, 2023, via conference line. Petitioner was present and was unrepresented. The Department of Health and Human Services (Department) was represented by Melissa Brandt, Family Independence Manager.

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 June 21, 2023, Petitioner submitted an application for FIP benefits (Exhibit A, pp. 7-13).
2. On June 23, 2023, the Department sent Petitioner a FAST Referred Notice (Exhibit A, pp. 14-15).
3. On August 7, 2023, the Department sent Petitioner a Notice of Case Action informing her that her FIP application was denied for her failure to complete the FAST questionnaire (Exhibit A, pp. 20-23).

4. On August 10, 2023, Petitioner submitted a request for hearing disputing the Department's actions.

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.

In the present case, Petitioner submitted an application for FIP benefits on June 21, 2023. On June 23, 2023, the Department sent Petitioner a FAST Mandatory Notice informing her that she must complete the FAST questionnaire within 30 days of the notice.

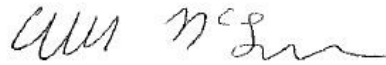
Federal and state laws require each family receiving FIP to develop a plan and participate in activities that will strengthen the family and/or help them reach self-sufficiency. BEM 228 (July 2018), p. 1. The Family Automated Screening Tool (FAST) is a web-based initial screening to identify the strengths and needs of FIP families. BEM 228, p. 2. All participants are required to complete the FAST within 30 days. BEM 228, p. 2. Failure to submit the FAST within 30 days of the notice date is the failure to meet eligibility requirements. BEM 228, p. 19. Failure to complete the FAST within 30 days results in an application denial. BEM 228, p. 19.

The Department testified that Petitioner failed to complete the FAST questionnaire within 30 days of the notice. As a result, the Department denied Petitioner's FIP application. At the hearing, Petitioner testified that she did receive the FAST notice. Petitioner stated she was unable to log into her account to complete the questionnaire. Petitioner testified that she contacted her worker for assistance. However, Petitioner did not contact her worker until after the FAST due date.

The Department presented sufficient evidence that Petitioner was notified of the FAST requirements. Petitioner did not timely complete the FAST questionnaire. Thus, the Department acted in accordance with policy when it denied Petitioner's FIP application.

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 acted in accordance with Department policy when it denied Petitioner's FIP application. Accordingly, the Department's decision is **AFFIRMED**.



EM/tm

Ellen McLemore
Administrative Law Judge

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

Via-Electronic Mail :

DHHS
Melissa Brandt
Ionia County DHHS
920 East Lincoln St
Ionia, MI 48846
**MDHHS-IONIA-
Hearings@michigan.gov**

Interested Parties

D. Sweeney
G. Vail
BSC3

Via-First Class Mail :

Petitioner

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