



GRETCHEN WHITMER
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
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: April 19, 2024
MOAHR Docket No.: 24-001856
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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 hearing was held by telephone on April 10, 2024. Petitioner appeared and represented herself with the assistance of independent Spanish translator, [REDACTED] [REDACTED]. The Department of Health and Human Services (Department) was represented by Shyla Coleman, Eligibility Specialist and Hearings Facilitator.

ISSUE

Did the Department properly process Petitioner's Family Independence Program (FIP) case as it relates to Petitioner's completion of the Family Automated Screening Tool (FAST)?

FINDINGS OF FACT

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

1. Petitioner is a recipient of FIP assistance for a household of two and received FIP assistance in February and March 2024. (Exhibit B, pp. 1 – 2).
2. On February 21, 2024, the Department sent Petitioner a Notice of Case Action (NOCA), closing Petitioner's FIP case, effective April 1, 2024, due to Petitioner's failure to complete the FAST within 30 days of being notified to do so. (Exhibit A, pp. 11 – 12).

3. On February 26, 2024, the Department received Petitioner's request for a hearing, disputing the closure of her FIP case. (Exhibit A, pp. 3 – 4).
4. On March 7, 2024, Petitioner completed the FAST and her FIP case was reinstated with no interruption in her FIP benefits. (Exhibit A, pp. 1, 6 – 9; Exhibit B, pp. 1 – 2).
5. On April 9, 2024, the Department issued a FIP disbursement to Petitioner. (Exhibit B, p. 1).

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.

Petitioner requested a hearing due to the Department's closure of her FIP case due to her failure to complete the FAST when notified to do so. Prior to the hearing, Petitioner completed the FAST and her FIP case was reinstated with no loss of benefits. At the hearing, Petitioner declined to withdraw her request for hearing and the hearing was held.

To be eligible to receive FIP benefits, each family is required to develop a plan and participate in activities that will strengthen the family and/or help them reach self-sufficiency. BEM 228 (January 2022), p. 1. One way the Department assists the family to meet these requirements is through the use of FAST screening to identify the strengths and needs of FIP families, and completing a FAST is required for all adults receiving FIP within 30 days of being notified by the Department to do so. BEM 228, pp. 2 – 4. Failure to complete the FAST screening may result in FIP case closure. BEM 230A (October 2022), pp. 16 – 17; BEM 233A (October 2022), pp. 3, 8.

In this case, Petitioner did not complete the FAST screening as directed by the Department, and the Department properly notified her on February 21, 2024 that her FIP case would close effective April 1, 2024. (Exhibit A, pp. 11 – 12). After the Department notified Petitioner that her FIP was due to close, Petitioner completed the FAST screening on March 7, 2024. (Exhibit A, p. 1). The Department promptly reinstated Petitioner's FIP case on March 7, 2024. (Exhibit A, pp. 6 – 9). Because Petitioner completed the FAST screening prior to April 1, 2024, the effective date of

closure of her FIP case, the Department reinstated Petitioner's FIP case once she completed the FAST screening in accordance with policy. BAM 205 (January 2022), p. 1.

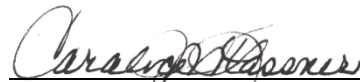
During the hearing, Petitioner acknowledged that she did not check to see if she was issued any FIP benefits after March 2024. The Department testified and provided additional evidence that on April 9, 2024, it issued the first half of Petitioner's April FIP assistance and scheduled the second half of Petitioner's April FIP assistance for payment on April 19, 2024. (Exhibit B, pp. 1 – 2). The Department properly processed reinstatement of Petitioner's FIP case once she complied with FIP program requirements and there was no interruption in Petitioner's FIP benefits.

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 Petitioner's FIP case due to Petitioner's failure to meet the program requirements, specifically the FAST screening, and when it reinstated her FIP case once she completed the FAST, and that there was no interruption in Petitioner's FIP benefits.

DECISION AND ORDER

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

CML/nr



Caralyce M. Lassner
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

Jeanenne Broadnax
Wayne-Taylor-DHHS
25637 Ecorse Rd.
Taylor, MI 48180
**MDHHS-Wayne-18-
Hearings@michigan.gov**

Interested Parties

Wayne 18 County DHHS
BSC4
B. Sanborn
MOAHR

Via-First Class Mail :

Petitioner

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