



GRETCHEN WHITMER  
GOVERNOR

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

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DIRECTOR

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Date Mailed: April 17, 2024  
MOAHR Docket No.: 24-002362  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness**

**HEARING DECISION**

On March 5, 2024, Petitioner, ██████████ requested a hearing to dispute the closure of her Family Independence Program (FIP) case. As a result, a hearing was scheduled to be held on April 16, 2024, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Shameika Smith, Family Independence Specialist. Maher Eleia, Interpreter, was also present and provided interpreter services at the hearing.

A 20-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

**ISSUE**

Did the Department properly close Petitioner's FIP case when it determined that Petitioner failed to complete 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. On ██████████ 2023, Petitioner reapplied for FIP cash assistance.
2. On November 16, 2023, the Department mailed a FAST Referred Notice to Petitioner, which advised Petitioner that she was required to complete the FAST online questionnaire within 30 days from the date of the notice.
3. Petitioner did not complete the FAST online questionnaire.

4. On December 18, 2023, the Department mailed a Notice of Case Action to Petitioner to notify her that her FIP case was closing effective February 1, 2024, for failing to complete the FAST.
5. On March 5, 2024, Petitioner requested a 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).

The 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.

A FIP recipient 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 1, 2020), p. 1. To accomplish this objective, each FIP recipient is required to complete a family automated screening tool (FAST), which is a web-based initial screening to identify the strengths and needs of FIP families. *Id.* at 2. 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 self-sufficiency plan. *Id.* The completion of FAST is required once for each episode of FIP assistance. *Id.* at 3.

Failure to complete FAST within 30 days of the notice date is considered a failure to meet the eligibility requirements. *Id.* at 19. Good cause cannot excuse the failure to complete FAST because the completion of FAST is a prerequisite to finding good cause. *Id.* at 3. The Department is required to deny a request for FIP benefits when FAST is not completed within 30 days of the notice. *Id.* at 19.

After Petitioner reapplied for FIP cash assistance, the Department mailed Petitioner a FAST Referred Notice on November 16, 2023, which advised Petitioner that she was required to complete a FAST online questionnaire within 30 days from the date of the notice. Petitioner did not complete the FAST online questionnaire. Petitioner stated that she received the FAST Referred Notice on or around November 25, 2023, and thought that the due date was December 26, 2023. Petitioner also indicated that her daughters were ill around this time and that her daughters assist her with reading correspondence due to a language barrier. Petitioner acknowledged not asking the department for assistance with reading the November 16, 2023, FAST Referred Notice. While it is understandable that a language barrier exists, and that Petitioner's daughters were ill at this time, it was Petitioner's responsibility to request assistance from the Department if

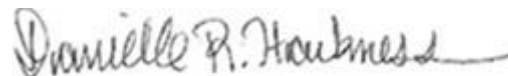
correspondence from the Department was unclear as the Department cannot assist Petitioner if they are unaware that this assistance is required.

Here, the Department properly put Petitioner on notice that she had to complete the FAST when the Department mailed a FAST Referred Notice on November 16, 2023.

**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 its policies and the applicable law when it closed Petitioner's FIP case.

IT IS ORDERED, the Department's decision is **AFFIRMED**.



DH/pt

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**Danielle R. Harkness**  
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**  
Tara Roland 82-17  
Wayne-Greenfield/Joy-DHHS  
8655 Greenfield  
Detroit, MI 48228  
**MDHHS-Wayne-17-hearings@michigan.gov**

**Interested Parties**

BSC4  
B. Sanborn  
MOAHR

**Via-First Class Mail:**

**Petitioner**

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