



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

Date Mailed: April 9, 2024
MOAHR Docket No.: 24-002487
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On March 6, 2024, Petitioner, [REDACTED], requested a hearing to dispute the denial of her application for Family Independence Program (FIP) cash assistance benefits. As a result, a hearing was scheduled to be held on April 9, 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 Shaton Mason, Family Independent Supervisor. Corlette Brown, Hearings Facilitator, appeared as a witness for the Department.

A 15-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly deny Petitioner's application for FIP cash assistance 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 [REDACTED], 2023, Petitioner applied for FIP cash assistance.
2. On or around November 3, 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 4, 2023, the Department mailed a Notice of Case Action to Petitioner to notify her that her application for FIP cash assistance was denied for failing to complete the FAST.
5. On March 6, 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 applied for FIP cash assistance, the Department mailed Petitioner a FAST Referred Notice on or around November 3, 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 did not receive the November 3, 2023, FAST Referred Notice.

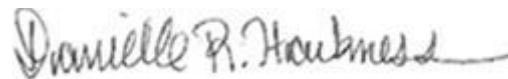
Documents properly addressed and placed in the mail are presumed to reach their destination. *Crawford v Michigan*, 208 Mich App 117, 121; 527 NW2d 30 (1994). "This - 2- presumption may be rebutted by evidence, but whether it was a question for the trier of fact." *Stacey v Sankovich*, 19 Mich App 688, 694; 173 NW2d 225 (1969). Plaintiff denied receipt of the papers but presented no evidence to rebut the presumption of receipt. The mere denial of service is insufficient to rebut the presumption. Cf. *Ins Co of*

North America v Issett, 84 Mich App 45, 49; 269 NW2d 301 (1978); James v James, 57 Mich App 452, 454; 225 NW2d 804 (1975). In this case, the Department provided credible evidence that the November 3, 2023, FAST Referred Notice was mailed to Petitioner's last-known mailing address and was not returned as undeliverable. Petitioner's denial of service of the November 3, 2023, Notice is insufficient to rebut this presumption.

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 denied Petitioner's application for FIP cash assistance.

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



Danielle R. Harkness
Administrative Law Judge

DH/pt

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

Keisha Koger-Roper
Wayne-District 31 (Grandmont)
17455 Grand River
Detroit, MI 48227

MDHHS-Wayne-31-Grandmont-Hearings@Michigan.gov

Interested Parties

BSC4
B. Sanborn
MOAHR

Via-First Class Mail:

Petitioner

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