



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: February 23, 2024
MOAHR Docket No.: 23-009587
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 January 25, 2024, from Lansing, Michigan. [REDACTED] [REDACTED] the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Nicole Smith, Case Manager, and Sara Hoke, Family Independence Manager.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as exhibit A, pp. 1-28.

ISSUE

Did the Department properly determine Petitioner's eligibility for the Family Independence Program (FIP)?

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 October [REDACTED] 2023, Petitioner applied for food assistance as well as FIP cash assistance. (Exhibit A, pp. 5-14)
2. On October [REDACTED] 2023, an interview was completed with Petitioner for food assistance benefits. Petitioner confirmed the household composition of seven, Petitioner, her husband, and five children. It was reported that no one had a disability. (Exhibit A, pp. 15-22)

3. On October ■ 2023, a FAST Notice was issued to Petitioner stating that the above listed people (Petitioner and her husband) must complete a Family Automated Screening Tool (FAST) within 30 days of this notice. (Exhibit A, p. 23)
4. Petitioner completed a FAST on November ■ 2023. (Exhibit A, p. 24)
5. On November ■ 2023, Petitioner called the Department to confirm that the Medical Needs form she sent was received. The Department confirmed that it was received on November 10, 2023 and they had 10 days to process. (Exhibit A, p. 28).
6. On December ■ 2023, a Notice of Case Action was issued to Petitioner stating FIP was denied because Petitioner's husband did not complete a FAST. (Exhibit A, pp. 25-26)
7. On December 20, 2023, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, p. 4)

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.

MDHHS requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. The focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate without good cause. BEM 233 A, October 1, 2022, p. 1.

The Family Independence Program (FIP) is a temporary cash assistance program to support a family's movement to self-sufficiency. The Family Self-Sufficiency Plan (FSSP) was created to allow Michigan Department of Health and Human Services (MDHHS) and other MDHHS client service providers to document and share information about mutual participants for optimal case management. The department's goal of assisting families to achieve self-sufficiency whenever possible can only be achieved if barriers are properly identified and overcome. BEM 228, January 1, 2022, p. 1.

The Family Automated Screening Tool (FAST) is a Web-based initial screening to identify the strengths and needs of FIP families. 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 FSSP. BEM 228, January 1, 2022, p. 2.

All Work Eligible Individuals (WEIs) and non WEI's as defined below are required to complete the FAST within 30 days and participate in the development of the FSSP within 90 days of the FAST/FSSP notice. BEM 228, January 1, 2022, p. 2.

All participants listed on the notice are required to complete the FAST within 30 days. BEM 228, January 1, 2022, p. 3.

Work Eligible Individuals (WEIs) are FIP participants who count in the state and/or federal work participation rate. Non-WEIs are FIP recipients who do not count in the state and/or federal work participation rate. Non-WEIs include all the following; an adult FIP client who is disqualified due to being a non-citizen; ineligible Grantees, the person who acts as grantee but who is not an eligible group member; an adult FIP participant providing care for a spouse who is disabled and living in the home; an adult FIP participant providing care for a child who is disabled and living in the home. The following types of dependent children are not WEIs and are the only individuals who do not have to complete a FAST or FSSP: dependent children who are either under age 16 or age 16 through 18 who are full-time students in high school. BEM 228, January 1, 2022, pp. 3-4.

A Work Eligible Individual (WEI) and non-WEIs (except ineligible grantees, clients deferred for lack of child care, and disqualified non-citizens), see BEM 228, who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized. Depending on the case situation, penalties include the following: delay in eligibility at application; ineligibility (denial or termination of FIP with no minimum penalty period); case closure for a minimum of three months for the first episode of noncompliance, six months for the second episode of noncompliance and lifetime closure for the third episode of noncompliance. BEM 233 A, October 1, 2022, p. 1.

Noncompliance of applicants, recipients, or member adds includes failing to or refusing to Complete a Family Automated Screening Tool (FAST), as assigned as the first step in the Family Self-Sufficiency Plan (FSSP) process. BEM 233 A, October 1, 2022, p. 2.

The FAST is required for the determination of good cause. BEM 228, January 1, 2022, p. 3.

In this case, a FAST Notice was issued to Petitioner on October ■ 2023 stating that the above listed people (Petitioner and her husband) must complete a Family Automated Screening Tool (FAST) within 30 days of this notice. (Exhibit A, p. 23). Petitioner completed a FAST on November ■ 2023. However, no FAST was completed for Petitioner's husband. (Exhibit A, p. 24). Accordingly, on December ■ 2023, a Notice of Case Action was issued to Petitioner stating FIP was denied because Petitioner's husband did not complete a FAST. (Exhibit A, pp. 25-26).

Petitioner asserted that a son was added to her application that should not have been. He was only there for a few weeks. (Petitioner Testimony). The case comments document that on November █ 2023, Petitioner reported her son had returned home from the army and would be in the home until January when he would begin college. Further on January █ 2024, Petitioner reported that son was no longer working for █ and he would be moving for college on January █ 2024. (Exhibit A, p. 28). Accordingly, it appears this son was added to the household composition for the time period he resided in the home. However, this did not affect the FIP denial at issue for this hearing, which was based on the failure to submit a FAST for Petitioner's husband.

Petitioner noted that medical documentation was submitted to show that her husband was unable to participate in PATH. (Petitioner Testimony). The Department's testimony acknowledged that significant medical documentation for Petitioner's husband was received for his PATH deferral. However, the FAST was still required for Petitioner's husband. (Department Testimony).

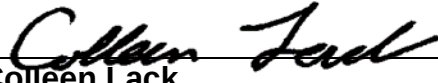
Petitioner acknowledged that the FAST that was submitted was for her. Petitioner asserted that a caseworker told her only one person could complete the FAST, only Petitioner could do that, and there was no need for her husband to do that. (Petitioner Testimony). The Department's testimony indicated that the Case Manager present for the hearing had not spoken with Petitioner about that. (Department Testimony). Unfortunately, it appears that an unknown caseworker incorrectly advised Petitioner regarding the FAST. The October █ 2023, a FAST Notice issued to Petitioner stated that the above listed people (Petitioner and her husband) must complete the FAST within 30 days of this notice. (Exhibit A, p. 23). This is in accordance with the above cited BEM policies, which require all WEIs and non WEIs to complete the FAST within 30 days. The only exception found in policy for completing a FAST applies to dependent children. Accordingly, the denial of FIP must be upheld based on Petitioner's husband not submitting a FAST within the allowed 30 days.

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 determined Petitioner's eligibility for FIP.

DECISION AND ORDER

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

CL/dm


Colleen Lack
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
Kimberly Kornoelje
Kent County DHHS
MDHHS-Kent-
Hearings@michigan.gov

SanbornB

BSC3HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]