

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201046008
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 2, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on September 2, 2010. The Claimant appeared and testified. [REDACTED], FIS appeared on behalf of the Department.

ISSUE

Was the Department correct in imposing a sanction on Claimant's Food Assistance Program case due to noncompliance with JET?

FINDINGS OF FACT

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

- (1) Claimant was an ongoing recipient of Family Independence Program and Food Assistance Program benefits.
- (2) Claimant was found to be in noncompliance with Work First, without good cause, and her cash assistance and Food Assistance was sanctioned for 90 days, effective April 1, 2010.
- (3) Claimant requested a hearing on July 27, 2010 contesting the imposition of sanctions on her FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program, formerly known as the Food Stamp ("FS") program, is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations ("CFR"). The Department of Human Services ("DHS"), formerly known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Program Reference Manual ("PRM").

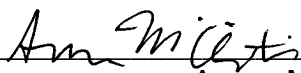
Department policy dictates when sanction is imposed on FAP benefits for noncompliance with JET--Disqualify a FAP group member for noncompliance when all the following exist: • The client was **active** both FIP and FAP on the date of the FIP noncompliance, **and** • The client did **not** comply with FIP/RAP employment requirements, **and** • The client is subject to a penalty on the FIP/RAP program, **and** • The client is **not** deferred from FAP work requirements (see DEFERRALS in BEM 230B), **and** • The client did not have good cause for the noncompliance. BEM 233(B).

In the present case, Claimant was found to be noncompliant with Work First without good cause, and her cash assistance closed and her FAP benefits were sanctioned. Claimant meets all the criteria outlined above, so it was proper and correct to sanction her FAP benefits. BEM 233(B)

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was correct in the sanction of Claimant's FAP benefits, and it is ORDERED that the Department's decision is hereby AFFIRMED.

/s/



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: September 15, 2010

Date Mailed: September 15, 2010

201046008/AM

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

AM/hw

cc:

