

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2010-46077
Issue No: 3029
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 1, 2010
St. Joseph County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on September 1, 2010. The claimant personally appeared and provided testimony, along with her husband, [REDACTED]

ISSUE

Did the department properly sanction the claimant's Food Assistance Program (FAP) case for failure to meet employment requirements in July, 2010?

FINDINGS OF FACT

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

1. The claimants were recipients of FAP benefits when the claimant reported that her husband had been fired from his job.

2. On June 8, 2010, the department received a statement from Summit Polymers that indicated [REDACTED] was employed with them from April 12, 2010 through his discharge on May 10, 2010. (Department Exhibit 2)

3. On June 8, 2010, the department requested a Verification of Employment (DHS-38) be completed by the employer. This was completed and returned to the department on June 17, 2010. The form indicated [REDACTED] had been fired. (Department Exhibit 3 – 5)

4. The department worker called the Human Resource department to determine the reason for the discharge. The HR worker indicated that the department could not tell her exactly why Mr. Jennings was fired, but that it was “due to his own actions”. (Department Exhibit 6)

5. The department did not find any good cause for [REDACTED] discharge and mailed the claimant a Notice of Case Action (DHS-1605) informing the claimants that Mr. Jennings would be sanctioned from the FAP group for six months. (Department Exhibit 8 – 11)

6. The claimant submitted a hearing request on July 26, 2010.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (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 or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department policy indicates that non-deferred adult members of FAP households must follow certain work-related requirements in order to receive FAP benefits. BEM 233B.

Noncompliance with work-related requirements includes being fired from a job for misconduct or absenteeism. BEM 233B.

The claimant admits that he was fired from the company. The claimant testified that he was fired for receiving 96 write-ups for faulty parts. The department was told by the Human Resource office of the company that the claimant was fired “due to his own actions.” This would imply that Mr. Jennings was not fired for incompetence or lack of knowledge, but for a reason that he could control and correct.

The good cause reasons for noncompliance with FAP work-related requirements are listed in BEM 233B. [REDACTED] claims no good cause for the FAP noncompliance. Thus, this Administrative Law Judge finds that the claimant was noncompliant with FAP work-related requirements and is subject to an employment-related sanction.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly sanctioned the claimant’s Food Assistance Program (FAP) case for failure to meet employment requirements in July, 2010.

Accordingly, the department's decision is UPHeld. SO ORDERED.

/s/

Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 7, 2010

Date Mailed: September 7, 2010

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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

SLK [REDACTED]

cc: [REDACTED]