

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: 2010-17951
Issue No: 3029
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 9, 2010
Jackson 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 March 9, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly sanction the claimant's Food Assistance Program (FAP) case for failure to meet employment requirements in December, 2009?

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 claimant was a recipient of FAP benefits when he was fired from his job due to time and attendance issues. (Department Exhibit 7 – 8).
2. The claimant was mailed a Notice of Case Action (DHS-1605) on December 23, 2009, informing him that his FAP was closing effective January 1, 2010 because

he failed to participate in an employment-related activity. The claimant was also informed that he would be sanctioned from receiving FAP benefits until January 31, 2010. (Department Exhibit 3 – 6).

3. The claimant submitted a hearing request on January 19, 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 for time and attendance issues, or absenteeism. The claimant does not meet any of the deferral criteria, thus, he is subject to a FAP disqualification. Department policy indicates that for the first occurrence of FAP noncompliance, the claimant should be disqualified from the FAP group for one month or until compliance.

In this case, the claimant was disqualified for one month. The claimant was informed that he is now eligible to reapply for FAP benefits, which he stated he would do after the hearing.

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 December, 2009.

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: March 24, 2010

Date Mailed: April 6, 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 

cc:

