

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201269114
Issue No.: 3003, 3029
Case No.: [REDACTED]
Hearing Date: September 27, 2012
County: Livingston County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on September 27, 2012, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] [REDACTED].

ISSUE

Did the Department properly reduce the Claimant's Food Assistance Program (FAP) allotment due to the Claimant's noncompliance with 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 June 11, 2012, the Claimant failed to attend an assigned JET activity.
2. On July 25, 2012, a triage took place between the Claimant and the Department. During the triage, the Claimant told the Department she no longer wanted to be a participant in the FIP program and agreed she did not have good cause for her noncompliance with JET.
3. On July 25, 2012, the Department sent the Claimant a notice of case action. The notice indicated the Claimant's FIP benefits were closing and her FAP benefits were being reduced on September 1, 2012.
4. On August 3, 2012, the Claimant requested a hearing to protest the FAP reduction.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The FIP was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The FAP [formerly known as the Food Stamp (F S) 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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3001 through Rule 400.3015.

DHS requires participation in employment and/or self-sufficiency related activities associated with the Family Independence Program (FIP) or Refugee Assistance Program (RAPC). Applicants or recipients of Food Assistance Program (FAP) only must accept and maintain employment. There are consequences for a client who refuses to participate in FIP/RAPC employment and/or self-sufficiency-related activities or refuses to accept or maintain employment without good cause. BEM 233B.

Disqualify a FAP group member for noncompliance when all the following exist:

- The client was active both FIP/RAPC and FAP on the date of the FIP/RAPC noncompliance.
- The client did not comply with FIP/RAPC employment requirements.
- The client is subject to a penalty on the FIP/RAPC program.
- The client is **not** deferred from FAP work requirements; see DEFERRALS in **BEM 230B**.
- The client did not have good cause for the noncompliance.

In the present case the Claimant admitted she was noncompliant without good cause regarding her assigned FIP activities. Because the Claimant was active for both the FIP and FAP programs at the time of the noncompliance and because the Claimant was subject to FIP penalties and was not deferred from the FAP work requirements the Claimant was properly removed from the FAP group. Therefore, the Department's removal of the Claimant and subsequent FAP allotment reduction was correct.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, I find the Department properly reduced the Claimant's FAP allotment.

DECISION AND ORDER

I find, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Department did act properly.

Accordingly, the Department's decision is **AFFIRMED** for the reasons stated on the record.



Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: September 28, 2012

Date Mailed: September 28, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CAA/las

cc:

