

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-22059  
Issue No.: 3003, 3029  
Case No.: [REDACTED]  
Hearing Date: February 21, 2013  
County: Washtenaw 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 February 21, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED] Participants on behalf of Department of Human Services (Department) [REDACTED] [REDACTED] [REDACTED]

**ISSUE**

Did the Department properly close and sanction the Claimant's Food Assistance Program (FAP) case?

**FINDINGS OF FACT**

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

1. From approximately April 1, 2012 through January 2013 the Claimant received FAP benefits.
2. On approximately April 10, 2012, the Claimant voluntarily ended her employment at [REDACTED] [REDACTED] [REDACTED] where she worked approximately 44 hours a week.
3. On November 5, 2012, the Claimant began working at [REDACTED] [REDACTED] [REDACTED] where she worked approximately 40 hours a week.
4. On December 5, 2012, the Claimant voluntarily ended her employment at [REDACTED] [REDACTED]
5. On December 7, 2012, the Claimant submitted to the Department a completed redetermination.

6. On or around December 7, 2012, the Department processed the Claimant's December 7, 2012 redetermination. During a wage match, the Department discovered the Claimant's employment at [REDACTED] and [REDACTED].
7. On December 12, 2012, the Department sent the Claimant verification of employment forms.
8. On December 27, 2012, the Claimant returned to the Department the verification of employment forms. The Claimant completed the forms her self.
9. On December 28, 2012, the Department sent the Claimant a notice of noncompliance and notice of case action. The notice of noncompliance indicated the Claimant had an appointment on January 3, 2013 to verify reasons for noncompliance. The notice of case action indicated the Claimant's FAP benefits were to close January 1, 2013.
10. On January 2, 2012, the United States Postal Service processed the December 28, 2012 mailings and sent them out for delivery.
11. On approximately January 3, 2012 the United States Postal Service delivered the December 28, 2012 mailings.
12. On January 3, 2012, the Department determined the Claimant did not have good cause for voluntarily leaving her jobs on April 10, 2012 and December 5, 2012.
13. On January 8, 2013, the Claimant requested a hearing to protest the proposed FAP closure.
14. On approximately January 4, 2012, the Claimant received the December 28, 2012 mailings.

### **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 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 Non-deferred adult members of FAP households must follow certain work-related

requirements in order to receive food assistance program benefits. Disqualify non-deferred adults who were working when the person:

- Voluntarily quits a job of 30 hours or more per week without good cause, or
- Voluntarily reduces hours of employment below 30 hours per week without good cause, or

When a client has refused suitable employment as described above, do the following:

- Complete the noncompliance record by either completing the *Loss of Employment screen* for job quit or voluntary reduction of hours below 30 hours or by entering a noncooperation for refusal of employment on the *Noncooperation Summary screen*. The DHS-2444, Notice of Employment And/Or Self-Sufficiency Related Noncompliance will be generated upon the next run of EDBC, which will also schedule the triage appointment at the local office and place the individual into disqualification pending the negative action period.
- The following information will be populated on the DHS-2444:
  - The name of the noncompliant individual.
  - The date of noncompliance.
  - All the dates, if addressing more than one incident of noncompliance.
  - The reason the client was determined to be noncompliant.
  - The disqualification that may be imposed.
  - The scheduled triage appointment, to be held in person or by phone, within the negative action period.
- Hold the triage appointment/phone conference to determine good cause prior to the negative action period. Good cause must be verified and provided prior to the end of the negative action period and can be based on information already on file with DHS. Document good cause determination on the *Noncooperation Detail screen* within 24 hours of determination.
- If the client does not participate in the triage meeting, determine good cause for FAP based on information known at the time of the determination.
- An in-person meeting is not required for FAP only. If the client calls to report a job loss determine good cause while on the phone with the client.
- Determine FAP good cause based on FAP good cause reasons defined later in this item.

In this case, the Claimant never was properly provided an opportunity to participate in a triage to show good cause for the alleged noncompliance. The Department may have centrally printed the documents and sent them to the Claimant, but the United States

Postal Service failed to timely deliver the mail as indicated by the post mark dates. This resulted in the Claimant not receiving the mailings timely; thereby preventing the Claimant with the opportunity to participate in the triage. For this reason, I am reversing the Department.

Based upon the above Findings of Fact and Conclusions of Law, I find the Department improperly closed and sanctioned the Claimant's FAP case.

### **DECISION AND ORDER**

I find the Department did not act properly, based upon the above Findings of Fact and Conclusions of Law.

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

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate the scheduling of a triage to allow the Claimant an opportunity show good cause for the alleged noncompliance.

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

Date Signed: February 22, 2013

Date Mailed: February 22, 2013

**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:

