

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-38733
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: [REDACTED]
County: Clinton County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

ORDER AMENDING HEARING DECISION

This matter having come before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's Request for Hearing. After due notice, a telephone hearing was held on [REDACTED], from Lansing Michigan. At the conclusion of the hearing, a Hearing Decision was generated by Administrative Law Judge Kevin Scully, dated and mailed [REDACTED], which is hereby **AMENDED** to include findings with respect to the Food Assistance Program (FAP).

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 (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.

The Department will apply policies associated with a Family Independence Program (FIP) related noncompliance and budgets the last FIP grant amount into the Food Assistance Program (FAP). The FIP grant is removed from the FAP budget at the end of the FIP penalty period. For individuals serving a lifetime sanction, Bridges will remove the FIP income from the FAP budget once the individual reaches their FIP lifetime time limit. Department of Human Services Bridges Eligibility Manual (BEM) 233B (January 1, 2013), p 3.

Disqualifications for failure to comply without good cause are the same for FAP applicants, recipients and member adds. For the first occurrence, the Department will disqualify the person for one month or until compliance, whichever is longer. For a second or subsequent occurrence, the Department will disqualify the person for six months or until compliance, whichever is longer. BEM 233B, p 5.

A noncompliant person must serve a minimum one-month or six-month disqualification period unless the disqualified person meets one of the following criteria:

- Complies with work assignments for a cash program.
- Obtains comparable employment in salary or hours to the job which was lost.
- Meets a deferral reason other than unemployment benefit (UB) application/recipient.
- Leaves the group. BEM 233B, p 8.

The findings of fact, conclusions of law, decision and order, and Department exhibits entered into the record as exhibits 1 - 139 are all incorporated into this decision in their entirety by reference.

On [REDACTED], the Department sent the Claimant notice that he would be disqualified from his Food Assistance Program (FAP) benefit group and his monthly FAP allotment would be reduced to [REDACTED] a group of two active members.

On [REDACTED], this Administrative Law Judge found that the Claimant had been noncompliant with the Partnership Accountability Training Hope (PATH) program without good cause.

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Department properly disqualified the Claimant from the Food Assistance Program (FAP) group and reduced his monthly FAP allotment in accordance with Department of Human Services Bridges Eligibility Manual (BEM) 233B.

The Department's Food Assistance Program (FAP) eligibility determination is **AFFIRMED**.

IT IS SO ORDERED.

/S/

Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 06/11/2013

Date Mailed: 06/11/2013

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

KS/kl

cc:

