

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 201338637
Issue No.: 1038, 3029, 3008
Case No.: [REDACTED]
Hearing Date: May 1, 2013
County: Genesee-02

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on May 1, 2013. Claimant and her significant other, [REDACTED] appeared and testified.

ISSUE

Did the Department of Human Services properly sanction Claimant's Family Independence Program (FIP) case on January 1, 2013 for failure to participate in employment and/or self-sufficiency related activities?

Did the Department of Human Services properly sanction Claimant's Food Assistance Program (FAP) case on January 1, 2013 for failure to participate in employment and/or self-sufficiency related activities

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) on January 31, 2013 for failure to provide required documents and verifications?

FINDINGS OF FACT

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

- (1) Claimant was an ongoing recipient of Family Independence Program (FIP) and Food Assistance Program (FAP) benefits.
- (2) On December 3, 2012, a Semi-Annual Contact Report (DHS-1046) was sent to Claimant at [REDACTED] the address the Department had on file. The Semi-Annual Contact Report (DHS-1046) was due on January 1, 2013. The report

indicated Claimant's Food Assistance Program (FAP) group contained 4 members, herself, [REDACTED] and their two children.

- (3) On December 12, 2012, the Department received a Verification of Employment (DHS Form 38) which indicated that [REDACTED] last day of work was May 19, 2012.
- (4) On December 17, 2012, a Notice of Non-Compliance (DHS-2444) was sent to Claimant about [REDACTED]. The notice indicated [REDACTED] had refused employment on May 19, 2012. The Notice of Non-Compliance (DHS-2444) scheduled a triage meeting on December 26, 2013. Claimant was also sent a 1605 which stated her Family Independence Program (FIP) would be sanctioned beginning January 1, 2013. The notice also indicated Claimant's Food Assistance Program (FAP) benefits would increase beginning January 1, 2013 but the group would only contain 3 members, [REDACTED] would no longer be a member of the group. Both notices were sent to [REDACTED].
- (5) On December 26, 2013, neither Claimant nor [REDACTED] attended the scheduled triage meeting.
- (6) On January 10, 2013, Claimant was sent a Notice of Potential Food Assistance (FAP) Closure (DHS-1046-A) which stated that effective January 31, 2013 the Food Assistance Program (FAP) would close if the Semi-Annual Contact Report (DHS-1046) was not received. The notice was sent to [REDACTED].
- (7) On March 11, 2013, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case the, Department wishes to sanction Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) based on the assertion that [REDACTED] refused employment. While both parties agree that [REDACTED] employment ended on May 19, 2012, the Department has not submitted any evidence at all on the reason the employment ended. [REDACTED] testified that he was fired. The only

competent evidence in this record concerning the end of [REDACTED] employment is [REDACTED] testimony. The Department has not established that [REDACTED] refused employment.

The Department also asserts that neither Claimant nor [REDACTED] attended the December 26, 2012 triage and that Claimant's Food Assistance Program (FAP) should close because the Semi-Annual Contact Report (DHS-1046) was not returned. [REDACTED] the case worker who was involved in all these actions was not present for this hearing. Both Claimant and [REDACTED] testified that they did not receive: the December 3, 2012 Semi-Annual Contact Report (DHS-1046); the December 17, 2012, Notice of Non-Compliance (DHS-2444) and Notice of Case Action (DHS-1605); or the January 10, 2013, Notice of Potential Food Assistance (FAP) Closure (DHS-1046-A). Both Claimant and [REDACTED] testified that they moved from [REDACTED] on August 1, 2012 and reported the change of address to [REDACTED]

Claimant's March 11, 2013 request for hearing was three pages long. It was written on Quick Note forms, not on pages from the December 17, 2012 Notice of Case Action (DHS-1605) sent to [REDACTED]. The request for hearing describes significant contact with [REDACTED] during which Claimant was trying to get her FIP and FAP benefits increased because [REDACTED] was no longer employed.

The Department representatives at this hearing testified that they did not see any documentation in Claimant's case file of a reported address change. Address changes can be reported either in writing or verbally. Claimant's testimony that she reported the address change is found credible and unrefuted. The Department has not established that proper notice was provided to Claimant and Mr. [REDACTED] of the requirements to provide a Semi-Annual Contact Report (DHS-1046) or attend a triage meeting on December 26, 2013.

The evidence in this record is insufficient to establish that the Department's proposed actions are correct. Therefore the Department cannot be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly sanction Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) on January 1, 2013 for failure to participate in employment and/or self-sufficiency related activities. Neither did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) on January 31, 2013 for failure to provide required documents and verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) be reinstated. It is also ORDERED that any benefits they were otherwise eligible for but did not receive due to this incorrect action be supplemented.

/s/
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 7, 2013

Date Mailed: May 7, 2013

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 90 days of the filing of the original request.

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

GFH/nr

cc:

