

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2014-13565  
Issue No(s): 3002  
Case No.: [REDACTED]  
Hearing Date: December 19, 2013  
County: Kent

**ADMINISTRATIVE LAW JUDGE:** Darryl T. Johnson

**HEARING DECISION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on December 19, 2013, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Family Independence Manager [REDACTED], and Eligibility Specialist [REDACTED].

**ISSUE**

Did the Department properly close Claimant's Food Assistance Program (FAP) benefits?

**FINDINGS OF FACT**

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

1. Claimant was an on-going FAP recipient.
2. On October 18, 2013, the Department received returned mail from Claimant marked by the Post Office as "Return to Sender. Not Deliverable as Addressed. Unable to Forward."
3. A Verification Checklist was mailed to Defendant on October 18, 2013.
4. On October 24, 2013, another letter was returned by the Post Office bearing the same notation as the previous returned letter.
5. Claimant did not return the completed Checklist by the October 28, 2013 due date.
6. On November 5, 2013, the Claimant's FAP was certified for closure due to failure to provide the verification, with an effective date of December 1, 2013, and a notice to that effect was mailed to Claimant.

7. On November 18, 2013, the Claimant requested a hearing.
8. Claimant's FAP was reinstated on November 20, 2013, after he contacted the Department. The reinstatement was pending his verification of employment.
9. On December 3, 2013, the Department received notification that Claimant quit his job, and Claimant's FAP was pending until he attended a triage and established good cause for quitting.
10. Claimant did not attend the triage scheduled for 2:00 p.m. on December 11, 2013.
11. Because Claimant did not attend the triage, the Department concluded he did not show good cause for quitting his job.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

The Claimant testified that he did not quit his job with [REDACTED]. He had worked at two short-term assignments through [REDACTED] with the last assignment at [REDACTED] ending in October 2013. He denied quitting his job. He also testified that he did not receive notice of the triage, and if he had, he would have attended it just as he attended today's hearing.

The Department's conclusion that Claimant quit his job was based upon a report received from an external source. There was no corroboration that he had quit his job. The Claimant, who had first knowledge of the reason he left the employment, testified that his assignment had ended. The evidence shows that mail has, inexplicably, been returned from Claimant's street address – the address he verified as correct during the hearing, and the address to which the hearing notice was addressed. Claimant's testimony is believable and persuasive.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department erred in terminating Claimant's FAP.

**DECISION AND ORDER**

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Claimant's FAP benefit eligibility, effective December 1, 2013;
2. Issue a supplement to Claimant for any benefits improperly not issued.



**Darryl T. Johnson**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: December 23, 2013

Date Mailed: December 23, 2013

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-07322

DTJ/las

cc:

