

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

IN THE MATTER OF:

██████████
████████████████████
████████████████████

Reg. No.: 2013-51380
Issue Nos.: 1080, 3008
Case No.: ██████████
Hearing Date: July 1, 2013
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

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 July 1, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Family Independence Specialist.

ISSUE

Did the Department properly deny the Claimant's application close Claimant's case reduce Claimant's benefits for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |

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 applied for benefits for: received benefits for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. On May 1, 2013, the Department

reduced Claimant's FAP benefits due to a determination that she failed to show that she had a good cause reason for failing to participate in work requirements.

3. On June 1, 2013, the Department

closed Claimant's FIP case based on a determination that she reached the lifetime limit of sixty months for receipt of FIP benefits.

4. On April 30, 2013, the Department sent

Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure. reduction.

5. On June 3, 2013, Claimant or Claimant's AHR filed a hearing request, protesting the
 denial of the application. closure of the case. reduction of benefits.

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 Family Independence Program (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, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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, Rule 400.3001 through Rule 400.3015.

Additionally, the following findings of fact and conclusions of law are entered in this case.

On June 1, 2013, Claimant reached the sixty-month lifetime limit for receiving FIP benefits. Department of Human Services Bridges Eligibility Manual (BEM) 234 (January 1, 2013).

On June 1, 2013, the Department terminated Claimant's FIP benefits. Dept. Exh. 1, p. 3. Having considered all of the evidence in this case in its entirety, it is found and

determined that the Department was required to terminate Claimant's FIP benefits effective June 1, 2013, because she received the maximum sixty months of FIP benefits allowable in a person's lifetime. BEM 234 (January 1, 2013). The Department therefore is affirmed in that it acted correctly in terminating Claimant's FIP benefits effective June, 2013.

Turning next to the reduction of Claimant's FAP benefits, this action occurred on May 1, 2013. Dept. Exh. 1, p. 4. The Notice of Case Action announcing the termination states that the reason for the termination is that Claimant failed to state a good cause reason for her failure to participate in work and work-readiness requirements. *Id.*, pp. 5-6.

With regard to this issue, Bridges Eligibility Manual (BEM) 233B, "Failure to Meet Employment Requirements: FAP," is the Department policy that is applicable to this case. BEM 233B requires the customer to participate in work and work-readiness programs as a requirement of receiving FAP benefits. If the customer has good cause for the failure to participate, FAP benefits will not be affected. Department of Human Services Bridges Eligibility Manual (BEM) 233A (2013).

In this case on March 8, 2013, Claimant was terminated from a temporary job placement at Netflix through MCM Staffing. The reason given for the termination by MGM Staffing is, "[S]he was not a good fit for this particular assignment." Dept. Exh. 1, p. 14.

BEM 233B states that the Department must find that the customer had a good cause reason unless the customer voluntarily left a job or the customer voluntarily refused a bona fide offer of employment. BEM 233B, pp. 3-4. Applying this policy to this case, it appears that Claimant did not quit voluntarily, nor has she rejected a bona fide offer of employment.

Accordingly, having considered all of the evidence in this case in its entirety, it is found and determined that Claimant had a good cause reason for failing to participate, in that Claimant was involuntarily terminated from employment. *Id.* It is found and determined that Claimant is entitled to full FAP benefits, and the Department's action shall be reversed with regard to FAP benefits.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that, due to excess income, the Department properly improperly

- denied Claimant's application
- reduced Claimant's benefits (FAP)
- closed Claimant's case (FIP)

for: AMP FIP FAP MA SDA CDC.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED (FIP) REVERSED (FAP) for the reasons stated on the record.

THE DEPARTMENT SHALL BEGIN THE PROCESS OF THE FOLLOWING STEPS WITHIN TEN DAYS OF THE MAILING OF THIS ORDER:

1. Restore Claimant's FAP benefits to their previous level effective May 1, 2013.
2. Provide retroactive and ongoing FAP benefits to Claimant at the benefit levels to which she is entitled, taking into consideration that effective June 1, 2013 her FIP income expired.
3. Delete all penalties and sanctions imposed on Claimant as a result of the Department's action.
4. All steps shall be taken in accordance with Department policy and procedure.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 2, 2013

Date Mailed: July 3, 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 affect the substantial rights of the claimant,
 - 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

JL/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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