

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201358573
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: August 20, 2013
County: Washtenaw

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 August 20, 2013. Claimant appeared and testified. The Department was represented by [REDACTED].

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) due to being an ineligible student?

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 Food Assistance Program (FAP) benefits. Claimant was a full time student and employed. Claimant was due for a semi-annual re-determination by July 31, 2013.
- (2) On June 24, 2013, Claimant submitted the Semi-Annual Contact Report (DHS-1046). On the report Claimant indicated she was no longer employed.
- (3) On July 2, 2013, Claimant reported she quit employment because she is pregnant and the employer was not accommodating her needs. Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) would end August 1, 2013, due to being an ineligible student.
- (4) On July 6, 2013, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

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).

Department of Human Services Bridges Eligibility Manual (BEM) 230B Employment Related Activities: FAP (2013) page 2 states that a non-deferred adult who is already working may not voluntarily quit a job of 30 hours or more per week. Department of Human Services Bridges Eligibility Manual (BEM) 233B Failure to Meet Employment Requirements: FAP (2013) page 6 defines good cause as a valid reason for failing to participate in employment. It also states that good cause includes: The client is physically or mentally unfit for the job, as shown by medical evidence or other reliable information; The degree of risk to health or safety is unreasonable; the client has a debilitating illness or injury, or an immediate family member's illness or injury requires in-home care by the client; and the employer makes unreasonable demands or conditions (for example, working without being paid on schedule).

There is no evidence in the record which shows that Claimant had good cause for quitting her employment in accordance with Department policy. Since there is no good cause for Claimant to end employment, her status as an ineligible student is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Food Assistance Program (FAP) due to being an ineligible student.

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

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

Date Signed: 08/27/2013

Date Mailed: 08/27/2013

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

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

GFH/sw

cc:

