

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.: 201359568
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: August 22, 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 22, 2013. Claimant appeared and testified. The Department was represented by [REDACTED] and [REDACTED].

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP)?

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.
- (2) On June 26, 2013, Claimant was sent a New Hire Client Notice (DHS-4635).
- (3) On July 9, 2013, Claimant was sent a Verification Checklist (DHS Form 3503) requesting verification of employment or loss of employment. The verification was due on July 19, 2013.
- (4) On July 22, 2013, the Department had not received the required verification. Claimant was sent a Notice of Case Action (DHS-1605) which stated his Food Assistance Program (FAP) would close on September 1, 2013 for failure to provide required verifications.

- (5) On July 22, 2013, the Verification of Employment (DHS Form 38) was received by the Department. The form stated Claimant had quit his full time job.
- (6) On July 24, 2013, the Department case worker spoke to Claimant about the job quit. The Department determined there was no good cause for Claimant's job quit and did not reinstate Claimant's FAP.
- (7) On July 25, 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).

In this case the Department asserts Claimant's Food Assistance Program (FAP) is sanctioned for quitting a job without good cause. 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.

Claimant asserts that he spoke with his employer and they both agreed it might be better if he (Claimant) left. Claimant asserts that: some of his co-workers were using marijuana based on smell and since he is on parole he cannot be around drugs; his mother was driving him to work but transportation became a problem; he was threatened by one of his co-workers; and the friend who got him the job implied that he (Claimant) was not doing the job well.

BEM 233B page 6 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; reasonably priced transportation is not available to the client; the employment involves illegal activities; and the employer makes unreasonable demands or conditions (for example, working without being paid on schedule).

The evidence in this record does not show that Claimant had good cause to quit the employment in accordance with Department policy.

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).

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: 08/28/2013

Date Mailed: 08/29/2013

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

201359568/GFH

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:

