

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2014-21106  
Issue No(s): 1007; 3007  
Case No.: [REDACTED]  
Hearing Date: February 4, 2014  
County: Shiawassee

**ADMINISTRATIVE LAW JUDGE:** Michael S. Newell

**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 February 4, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] AP Supervisor.

**ISSUE**

Did the Department properly sanction Claimant by cancelling FIP and removing Claimant from the FAP group?

**FINDINGS OF FACT**

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

1. On September 11, 2013, Claimant received a Notice of Case Action indicating that her FIP assistance would be terminated effective October 1, 2013 and that she would be removed from her FAP group from October 1, 2013 to July 31, 2014.
2. The Notice provided that FIP must be closed for at least 6 months, from October 1, 2013 through March 31, 2014.
3. The negative action occurred because the Department held that for the second time, Claimant or a group member failed to participate in employment and/or self-sufficiency training or quit a job, was fired, or reduced hours without good cause.
4. On or around September 19, 2013, Claimant filed a hearing request and elected for benefits to continue pending her hearing.

5. A hearing was scheduled for October 31, 2013 at 8:30 a.m.
6. Claimant did not attend the hearing, and on November 1, 2013, an Order of Dismissal was entered.
7. Claimant received the order, which had contact information for the Michigan Administrative Hearing System (MAHS), but she did not contact MAHS.
8. On December 19, 2013, Claimant received a Notice of Case Action removing her from the FA group from January 1, 2014 to July 31, 2014.
9. Claimant's FIP was cancelled after the dismissal order.

### **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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

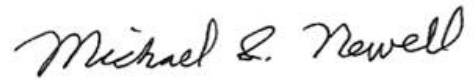
The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency)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

Additionally, the department did not err in removing Claimant from the FAP group and cancelling her FIP benefits. Claimant received the November 1, 2013 order of dismissal and had not appealed it. Claimant cannot collaterally attack the November 1, 2013 dismissal with a new hearing request.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it cancelled FIP and removed Claimant from the FAP group.

**DECISION AND ORDER**

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



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**MICHAEL S. NEWELL**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: February 13, 2014

Date Mailed: February 13, 2014

**NOTICE OF AP PEAL:** 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.

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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

MSN/las

cc:

