

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

IN THE MATTER OF:



Reg. No.: 14-001485
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: May 29, 2014
County: Gladwin County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 May 29, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUE

Did the Department properly sanction the Claimant's Food Assistance Program (FAP) benefits for noncompliance with the PATH program?

FINDINGS OF FACT

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

1. The Claimant is an ongoing Food Assistance Program (FAP) recipient.
2. The Department sanctioned the Claimant's Food Assistance Program (FAP) benefits as of May 1, 2014.
3. On April 25, 2014, the Department received the Claimant's request for a hearing, protesting the sanctions against her Food Assistance Program (FAP) benefits.

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 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

Applicants or recipients of Food Assistance Program (FAP) must accept and maintain employment but there are consequences for clients who refuse to participate in Family Independence Program (FIP) self-sufficiency-related activities without good cause. Noncompliance without good cause, with employment requirements for Family Independence Program (FIP) may affect Food Assistance Program (FAP) if both programs were active on the date of the Family Independence Program (FIP) noncompliance. Department of Human Services Bridges Eligibility Manual (BEM) 233B (July 1, 2013), p 1.

The Department will disqualify a Food Assistance Program (FAP) group member for noncompliance when all the following exist:

- The client was active both FIP/RCA and FAP on the date of the FIP/RCA noncompliance.
- The client did not comply with FIP/RCA employment requirements.
- The client is subject to a penalty on the FIP/RCA program.
- The client is not deferred from FAP work requirements; see DEFERRALS in BEM 230B.
- The client did not have good cause for the noncompliance. BEM 233B, p 3.

The Department applies policies associated with a Family Independence Program (FIP) related noncompliance and budgets the Last FIP grant amount into the Food Assistance Program (FAP) budget. The Family Independence Program (FIP) grant is removed from the Food Assistance Program (FAP) budget at the end of the FIP penalty period. BEM 233B, p 3.

A noncompliant person must serve a minimum one-month or six-month disqualification period unless one of the criteria for ending a disqualification early exists. The disqualification period may be ended early if the disqualified person complies with work assignments for a cash program, or meets a deferral reason other than unemployment application. BEM 233B 10-11.

In this case, the Claimant was a Family Independence Program (FIP) and Food Assistance Program (FAP) recipient. On April 14, 2014, the Department notified the Claimant that it would sanction her Family Independence Program (FIP) and Food Assistance Program (FAP) benefits for noncompliance with self-sufficiency-related activities without good cause. A triage meeting was held on April 23, 2014, where the

Claimant was given the opportunity to establish good cause for her noncompliance. The Department determined that there was no good cause, and sanctioned the Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) benefits.


The Claimant did not dispute that she was noncompliant with the Family Independence Program (FIP) program, but argued that this should not affect her Food Assistance Program (FAP) benefits. The Claimant testified that if she knew that noncompliance with the requirement of mandatory self-sufficiency-related activities without good cause would affect her Food Assistance Program (FAP) benefits, then she would not have applied for Family Independence Program (FIP) benefits.

The Claimant's grievance centers on dissatisfaction with the Department's current policy. The Claimant's request to make an exception due to her need for benefits is not within the scope of authority delegated to this Administrative Law Judge. Administrative Law Judges have no authority to make decisions on constitutional grounds, overrule statutes, overrule promulgated regulations, or make exceptions to the Department policy set out in the program manuals. Furthermore, administrative adjudication is an exercise of executive power rather than judicial power, and restricts the granting of equitable remedies. *Michigan Mutual Liability Co. v Baker*, 295 Mich 237; 294 NW 168 (1940).

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 properly implemented its policies when it sanctioned the Claimant's Food Assistance Program (FAP) benefits.

DECISION AND ORDER

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



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

Date Signed: June 3, 2014

Date Mailed: June 3, 2014

KS / hj

cc:





NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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