

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

IN THE MATTER OF:



Reg. No.: 14-003425
Issue No.: 1008; 3001
Case No.:
Hearing Date: July 2, 2014
County: Washtenaw

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 July 2, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included and .

ISSUES

Did the Department properly exclude Claimant from the FAP group?

Did the Department properly deny FIP?

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 FAP on March 26, 2014.
2. The Application indicated that Claimant was a full-time student.
3. On April 18, 2014, a Notice of Case Action was issued, awarding benefits to the FAP group, but Claimant was not a member of the FAP group due to her student status.
4. On April 11, 2014, Claimant applied for FIP.
5. A PATH notice was sent April 18, 2014, regarding mandatory PATH orientation on April 28, 2014.

6. Claimant did not attend PATH orientation.
7. On May 9, 2014, a Notice of Case action was sent to Claimant, denying Claimant's FIP application for failure to participate in PATH.
8. On May 22, 2014, Claimant informed the Department that she was no longer enrolled in classes, which she verified on may30, 2014.
9. On June 6, 2014, Claimant was added to the FAP group effective June 1, 2014.
10. Claimant requested hearing on June 3, 2014 for FAP and FIP.

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.

BEM 245 provides that Claimant was ineligible student status when she applied. Because Claimant did not inform the Department that she was no longer a student until May 2014, the Department properly relied on her application to find her ineligible through the end of May. Claimant alleged that she discussed with the Department in April that she was not attending classes regularly. Claimant was questioned at length in this regard during the hearing, and there is simply no evidence or allegation that she informed the Department before May 2014 that she was not a student. At most, Claimant alleged essentially that she told the Department about her school difficulties in April, which did not indicate or suggest that she was no longer a student.

Additionally, Federal and state laws require each work eligible individual (WEI) in the FIP group to participate in PATH or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (October 2013), p. 1. These clients must participate in employment and/or self-

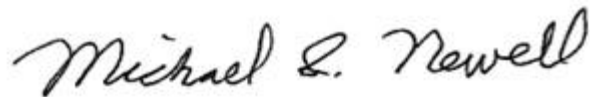
sufficiency related activities to increase their employability and obtain employment. BEM 230A, p. 1.

Regarding PATH, the Department sent Claimant the PATH notice in accordance with policy. Claimant missed PATH orientation without good cause.

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 excluded Claimant from the FAP group and denied FIP.

DECISION AND ORDER

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



Michael S. Newell
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **7/10/2014**

Date Mailed: **7/10/2014**

MSN/las

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

cc:

