

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

IN THE MATTER OF:



Reg. No.: 14-004613
Issue No.: 3001
Case No.: [REDACTED]
Hearing Date: July 17, 2014
County: WAYNE-17

ADMINISTRATIVE LAW JUDGE: LYNN M. FERRIS

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 17, 2014, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Case Manager.

ISSUE

Did the Department properly close the Claimant's Food Assistance (FAP) Case for quitting a job without good cause?

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 was an ongoing recipient of Food Assistance.
2. The Department closed the Claimant's FAP case on May 1, 2014 due to the Claimant allegedly quitting his job. Exhibit 1. The Notice of Case Action was sent to the Claimant on May 31, 2014.
3. The Claimant's former employer completed a verification of Employment on 5/19/14, and indicated in the verification that the Claimant quit his job.
4. The Claimant requested a hearing on June 5, 2014 protesting the closure of his FAP case for quitting his employment.

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.

Additionally, in this case the Department presented a verification of employment completed by the Claimant's former employer. Relying on the verification, the Department determined that the Claimant quit his job without good cause, and disqualified the Claimant from receiving FAP benefits for one month. BEM 233B, pp. 6, (7/1/13). The Claimant appeared at the hearing and credibly testified that he did not quit his job but was fired due to arriving late for his job. The Claimant further credibly testified that due to the extreme winter conditions this winter, the DOT busses were unreliable even when he arrived at the bus stop two hours prior to his start time. The Claimant's testimony established good cause pursuant to Department policy found in BEM 233B pp. 8-9 (7/1/13), as his transportation was unreliable and his commute often exceeded two hours. It is also noted that sometimes employers indicate that an employee quit the job so as to avoid having to pay unemployment benefits, as the verification noted that the Claimant had worked for the employer for one year before he was fired. Exhibit 2.

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

did not act in accordance with Department policy when it closed Claimant's FAP case for quitting his employment without good cause.

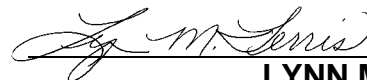
DECISION AND ORDER

Accordingly, the Department's decision is

REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall reinstate the Claimant's FAP case and shall issue a FAP supplement for FAP benefits, if any the Claimant was otherwise entitled to receive in accordance with Department policy.
2. The Department shall remove the first disqualification sanction (occurrence) that it imposed when it closed the Claimant's FAP case from the Department records.



LYNN M. FERRIS

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

Date Signed: **7/22/2014**

Date Mailed: **7/23/2014**

LMF/tm

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:

A large black rectangular redaction box covers the recipient information for the cc field.