

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2014-27515
Issue No(s): 3001
Case No.: ██████████
Hearing Date: March 13, 2014
County: Wayne (43)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 March 13, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████ Family Independence Manager.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case based on a failure to participate in employment related activities 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. Claimant was an ongoing recipient of FAP benefits.
2. On January 31, 2014, the Department sent Claimant a Notice of Case Action informing her that effective February 1, 2014, her FAP case would be closed on the basis that she failed to participate in employment related activities without good cause. The Notice also informed Claimant that she would be disqualified from receiving FAP benefits from February 1, 2014, through February 28, 2014. (Exhibit 2)
3. On February 13, 2014, Claimant submitted a hearing request disputing the Department's actions.

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 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, non-deferred adult members of FAP households must comply with certain work related requirements in order to receive FAP benefits. Non-deferred adults who are already working may not: voluntarily quit a job of 30 hours or more per week without good cause or voluntarily reduce hours of employment below 30 hours per week without good cause. BEM 230B (October 2013), p.2. Good cause is a valid reason for failing to participate in employment related activities. Good cause must be determined before the Department decides whether to impose a disqualification. No transportation, among other things, is considered a good cause reason. BEM 233B (July 2013), pp.7-10.

The first occurrence of failing to comply with employment related activities without good cause results in a FAP group member disqualification of one month or until compliance, whichever is longer. For recipients of FAP benefits, the disqualification is to begin the first month possible after determination or notification of the failure to comply. The Department is to provide the FAP group timely notice of the disqualification. BEM 233B, pp.6-7. A timely notice is mailed at least 11 days before the intended negative action takes effect. The action is pending to provide the client a chance to react to the proposed action. BAM 220 (January 2014), p.4.

In this case, the Department testified that because the Verification of Employment submitted by Claimant indicated that she quit her job, the Department initiated the closure of Claimant's FAP case. (Exhibit 1). On January 31, 2014, the Department sent Claimant a Notice of Case Action informing her that effective February 1, 2014, her FAP case would be closed on the basis that she failed to participate in employment related activities without good cause. (Exhibit 2).

At the hearing, Claimant testified that she did not quit her job, but that she had to reduce her hours of employment because her car was repossessed and she did not have transportation to get to work. Claimant stated that she still had her badge and uniform and that she never told her employer that she would not be returning to work, as she intended on continuing with her job when she got her transportation issues resolved.

There was no evidence to suggest that the Department considered whether Claimant had good cause for her reducing her hours of employment prior to the Department imposing the disqualification and closing Claimant's FAP case. Further, a review of the Notice of Case Action establishes that the Department did not provide Claimant with timely notice of the case closure, as required by policy.

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.

DECISION AND ORDER

Accordingly, the Department's FAP 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. Remove the employment disqualification/penalty imposed on Claimant's FAP case;
2. Reinstate Claimant's FAP case effective February 1, 2014;
3. Issue supplements to Claimant for any FAP benefits that she was entitled to receive but did not from February 1, 2014, ongoing; and
4. Notify Claimant in writing of its decision.



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

Date Signed: March 17, 2014

Date Mailed: March 17, 2014

NOTICE OF APPEAL: 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.

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

ZB/tm

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]