

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

IN THE MATTER OF:



Reg. No.: 15-000758
Issue No.: 1008; 3008
Case No.: [REDACTED]
Hearing Date: February 18, 2015
County: WAYNE-DISTRICT 35

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 18, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearings Facilitator, [REDACTED], PATH Coordinator, [REDACTED], Department Liaison, and [REDACTED].

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case and decrease Claimant's Food Assistance Program (FAP) benefits due to failure to participate in employment or self-sufficiency-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. On [REDACTED], the Department issued a Notice of Noncompliance, setting a triage date of [REDACTED].
2. Claimant and his spouse attended the triage.
3. Claimant and his spouse were employed, but not earning at least state minimum wage.
4. Claimant did not agree to PATH Program Reengagement.

5. The Department closed Claimant's FIP case and decreased Claimant's FAP benefits, effective [REDACTED], due to failure to participate in employment or self-sufficiency-related activities without good cause.
6. Claimant requested a hearing on [REDACTED], protesting the Department's action.

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, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, 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 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.

BEM 233A (10/2014), p. 1, and BEM 233B (7/2013) require FIP and FAP clients to participate in employment and self-sufficiency-related activities. Noncompliance with employment and/or self-sufficiency-related-activities includes failing or refusing to participate in a required activity without good cause. (BEM233A, p. 2) Good cause for noncompliance includes the person working at least 40 hours per week on average and earning at least state minimum wage. *Id.*, p. 4 When a person is found to be noncompliant without good cause, his case is subject to closure. *Id.*, p. 8; BEM 233B, p. 3

BEM 233B, p. 3 instructs that a client is disqualified from receiving FAP if the client was active in both FIP and FAP on the date of the FIP noncompliance, (in this case, on [REDACTED]), the client did not comply with FIP employment requirements, the client is subject to a penalty on the FIP program, the client is not deferred from FAP work requirements and the client did not have good cause for the noncompliance.

In the present case, the Department argued that since Claimant was not earning at least state minimum wage, Claimant did not have good cause to not reengage with PATH. Claimant did not deny that he chose not to reengage with PATH, but he argued that he

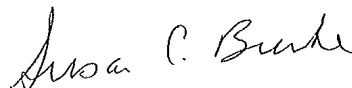
and his spouse were undergoing a training period and that upon completion of the training period, their employer would grant an annual salary. Claimant did not specify the annual salary. Claimant also argued that a Michigan Works arrangement wherein the State reimbursed his employer would have shown earnings. However, a vague alleged reimbursement plan not reduced to writing is not persuasive that Claimant was in compliance with Department policy. Claimant did not present pay stubs or any other documentation showing that he and his spouse were earning at least state minimum wage.

Based on the above discussion, it is concluded that Claimant's argument of good cause based on employment is not persuasive, as the employment did not meet Department standards of earning at least state minimum wage.

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 closed Claimant's FIP case and decreased Claimant's FAP benefits due to failure to participate in employment or self-sufficiency-related activities without good cause.

DECISION AND ORDER

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



Susan C. Burke
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **2/23/2015**

Date Mailed: **2/23/2015**

SCB / hw

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 48909-8139

cc:

