

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-008048
Issue No.: 3008, 1008
Case No.: [REDACTED]
Hearing Date: July 02, 2015
County: Delta

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, telephone hearing was held on July 02, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department included [REDACTED] as hearing facilitator.

ISSUE

Did the Department of Health and Human Services (Department) properly remove a Partnership. Accountability. Training. Hope. (PATH) noncompliance sanction from the Claimant's Food Assistance Program (FAP) benefits?

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 Family Independence Program (FIP) and Food Assistance Program (FAP) recipient.
2. The Claimant was found to be noncompliant with the Partnership. Accountability. Training. Hope. (PATH) program.
3. On March 2, 2015, the Department determined that the Claimant had good cause for her noncompliance.
4. On March 2, 2015, the Department requested a help desk ticket to remove the sanction affecting her Food Assistance Program (FAP) benefit level.
5. On May 19, 2015, the Department received the Claimant's request for a hearing protesting her disqualification from her Food Assistance Program (FAP) group.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, 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 Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

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 Department of Human Services) 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-.3131.

The Department will apply policies associated with a Family Independence Program (FIP) related noncompliance and budgets the last FIP grant amount into the Food Assistance Program (FAP). The FIP grant is removed from the FAP budget at the end of the FIP penalty period. For individuals serving a lifetime sanction, Bridges will remove the FIP income from the FAP budget once the individual reaches their FIP lifetime time limit. Department of Human Services Bridges Eligibility Manual (BEM) 233B (January 1, 2013), p 3.

Disqualifications for failure to comply without good cause are the same for FAP applicants, recipients and member adds. For the first occurrence, the Department will disqualify the person for one month or until compliance, whichever is longer. For a second or subsequent occurrence, the Department will disqualify the person for six months or until compliance, whichever is longer. Department of Health and Human Services Bridges Eligibility Manual (BEM) 233B (May 1, 2015), 5.

If the client establishes good cause within the negative action period, the Department will reinstate benefits. Department of Health and Human Services Bridges Eligibility Manual (BEM) 233A (May 1, 2015), p 13.

The Claimant was an ongoing FIP and FAP recipient when the Department found her to be noncompliant with the requirement of the Partnership. Accountability. Training. Hope. (PATH) program. Later, the Department found that the Claimant had good cause for her noncompliance with the PATH program.

However, the Claimant was disqualified from her FAP benefit group due to the PATH noncompliance sanction.

On March 2, 2015, the Department requested a help desk ticket to resolve the FAP disqualification that should not have been placed on her FAP benefits after the Department found the Claimant to have good cause for her noncompliance. This help desk ticket had not been fully resolved as May 19, 2015, when the Claimant requested a hearing, but the Department's representative testified that the Claimant has been granted a supplement to her FAP benefits.


The Claimant testified that another issue affecting her FAP benefits is that the Department improperly removed her housing expenses from her FAP budget.

This Administrative Law Judge finds that the Claimant only submitted a request for a hearing protesting the PATH sanction on May 19, 2015. The Claimant is required to submit an additional request for a hearing since the Department had no reason to provide evidence on this issue based on the request for a hearing it received. The Claimant has a right to request a hearing on her current level of FAP benefits at any time.

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 removed the PATH sanction from the Claimant's FAP benefits case based on a finding of good cause.

DECISION AND ORDER

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



Kevin Scully
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **7/7/2015**

Date Mailed: **7/7/2015**

KS/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 48909-8139

cc:

