

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

IN THE MATTER OF:

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Reg. No.: 15-008254
Issue No.: 3002
Case No.: ██████████
Hearing Date: June 22, 2015
County: WAYNE- 15 (GREYDALE)

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on June 22, 2015, from Detroit, Michigan. Participants on behalf of Claimant included ██████████. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Assistance Payments Worker.

ISSUE

Did the Department properly deny Claimant's April 15, 2015 Food Assistance Program (FAP) application for failing to return income verifications?

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 benefits on April 15, 2015.
2. Claimant had quit a job on March 31, 2015.
3. On April 20, 2015, Claimant was sent a verification checklist requesting proof of income, and proof of job loss.
4. On April 30, 2015, Claimant returned some pay checks, as well as a verification of job loss.
5. On May 8, 2015, Claimant's FAP application was denied for failing to maintain employment, and for failing to return verification of income.
6. On May 19, 2015, Claimant requested a hearing.

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.

A client can be disqualified from FAP benefits if they quit a job, without good cause, within 30 days of an FAP application. BEM 233B (2013).

Furthermore, stopped income is to be verified. BEM 501, pg. 9 (2014). No policy provides that one must provide income verification that for income that is no longer received.

In the current case, the Department's reasons for denying the application in question were without merit.

First, the Department ostensibly denied the application for failure to provide verification of income; however, all parties agreed that Claimant no longer had income, and in fact, Claimant had provided proof of the job loss, which the Department accepted when it chose to deny her application for employment noncompliance.

There is no policy that requires income statements when that income is no longer received; such income would never be factored into an FAP budget, and the undersigned is puzzled as to what the Department would have done with income information that was no longer relevant to determining Claimant's benefit amount.

While verification of the job loss can be required, Claimant turned in that verification, and thus provided all that was necessary under policy to comply with verification requirements. Therefore, the Department's decision to deny Claimant's FAP application for failing to comply with verification requirements was incorrect.

With regard to the employment noncompliance, a finding of FAP employment noncompliance can only result in a denied application if the job in question was terminated or quit without good cause.

Per the Department testimony, and per the documents in the exhibit packet, no finding into good cause was made either way. Per testimony, it appears as if the Department

saw the job loss, and immediately denied the application. This is contrary to policy, which requires a termination only if the job was lost without good cause. Without making a finding into good cause, the Department could not have denied the application for that reason.

Therefore, the Department erred when denying Claimant's FAP application for a job loss for "failing to maintain employment", when an application may only be denied if the failure to maintain was without good cause.

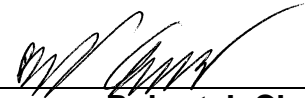
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it denied Claimant's April 15, 2015 FAP application.

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. Reprocess Claimant's April 15, 2015 FAP application.



Robert J. Chavez
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **7/29/2015**

Date Mailed: **7/29/2015**

RJC/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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

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