

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No.: 15-008693
Issue No.: 3001
Case No.: [REDACTED]
Hearing Date: July 01, 2015
County: Macomb-District 12

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on July 1, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Hearings Facilitator.

ISSUE

Did the Department properly process 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. Claimant was an ongoing recipient of FAP benefits.
2. In connection with a redetermination, Claimant's eligibility for FAP was reviewed.
3. On May 12, 2015, the Department sent Claimant a Notice of Case Action informing her that her benefits and group size were being reduced, as she was disqualified from the FAP group on the basis that she refused a job, quit her job, or reduced her hours of employment without good cause. (Exhibit A)
4. On May 28, 2015, Claimant requested a hearing disputing the Department's actions.

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.

Additionally, non-deferred adult members of FAP households must comply with certain work related requirements in order to receive FAP benefits. BEM 233B (July 2013), p. 4. 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, pp.7-10.

There are consequences for a client who refuses to accept or maintain employment without good cause. BEM 233B, p.1. 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 (October 2014), p.4.

In this case, the Department stated that because Claimant reported a loss of employment and income during her redetermination, she was placed in noncompliance with work requirements for FAP. On May 12, 2015, the Department sent Claimant a Notice of Case Action informing her that effective June 1, 2015, her benefits and group size were being reduced, as she was disqualified from the FAP group on the basis that she refused a job, quit her job, or reduced her hours of employment without good cause. (Exhibit A). The Department testified that this was an error and that the Department incorrectly processed the loss of employment as a refusing employment,

rather than being fired. The Department stated that Claimant should not have been placed in noncompliance and disqualified as a FAP group member.

The Department testified that as of the hearing date, it had corrected the action and a Notice of Case Action was issued on July 1, 2015, correcting Claimant's FAP group size and increasing her FAP benefits effective June 1, 2015. (Exhibit B). The Department also provided a noncooperation summary from Bridges in support of its testimony that the sanction/disqualification was removed from Claimant's FAP case. (Exhibit C). The Department stated that because the action was just taken, Claimant had not received her supplements for the month of June 2015 as of the hearing date.

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 although the Department started to correct the action for which Claimant requested a hearing, because Claimant had not received her FAP supplements, the Department did not act in accordance with Department policy when it processed Claimant's FAP benefits.

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. Issue FAP supplements to Claimant from June 1, 2015, ongoing, pursuant to Department policy.



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **7/9/2015**

Date Mailed: **7/9/2015**

ZB / tlf

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]
[REDACTED]
[REDACTED]
[REDACTED]