



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: October 2, 2017  
MAHS Docket No.: 17-011238  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Gary Heisler

**HEARING DECISION**

Following Petitioner'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 September 25, 2017, from [REDACTED] Michigan. Petitioner was represented by herself. The Department was represented by Hearing Facilitator [REDACTED]

**ISSUE**

Did the Department properly deny Petitioner's July 19, 2017 Food Assistance Program (FAP) application for failure to comply with employment requirements?

**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 July 17, 2017, Petitioner's employment at [REDACTED] was terminated by the employer. Petitioner had been employed there since May 2016.
2. On July 19, 2017, Petitioner submitted an application for Food Assistance Program (FAP) benefits.
3. On July 26, 2017, the Department received a Verification of Employment (DHS-38) submitted by Petitioner's former employer. (Department Exhibit A page 3) The form was first marked to show Petitioner was fired. That was scratched out and changed to show that Petitioner quit. A handwritten note says "Did not call in or come in for shift."
4. On August 11, 2017, Petitioner was sent a Notice of Noncompliance (DHS-2444) which stated she had refused employment. Petitioner was sent a Notice of Case

Action (DHS-1605) which stated her July 19, 2017 application was denied because she voluntarily quit a job.

5. On August 16, 2017, Petitioner submitted a hearing request.

### **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.

During this hearing Petitioner testified that: the work schedules were posted on Wednesdays; her normal schedule did not include working on Saturday and Sunday; the schedule was not posted on Wednesday of the week at issue but rather was posted on Saturday, when she was not at work; she did not come in to work on Sunday because it was not a normal work day for her and the schedule showing her as working on Sunday was not posted until she was on her regular days off of Saturday.

The evidence in this record is not sufficient to support the Department's assertion that Petitioner voluntarily quit a job. 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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's July 19, 2017 Food Assistance Program (FAP) application for failure to comply with employment requirements.

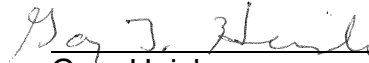
### **DECISION AND ORDER**

Accordingly, the Department's decision **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. Reinstate Petitioner's July 19, 2017 Food Assistance Program (FAP) application and process it in accordance with Department policy.

GH/nr



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Gary Heisler  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

**NOTICE OF APPEAL:** A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

**DHHS**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Petitioner**

[REDACTED]