

RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED] Date Mailed: October 30, 2017
MAHS Docket No.: 17-012517
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, telephone hearing was held on October 24, 2017, from [REDACTED] Michigan. The Petitioner represented herself. The Department was represented by [REDACTED] [REDACTED] Hearing Facilitator.

ISSUE

Did the Department of Health and Human Services (Department) properly sanction Petitioner'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. On July 17, 2017, the Department received Petitioner's completed Semi-Annual Contact Report (DHS-1046). Exhibit A, pp 1-2.
2. On August 18, 2017, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification of her loss of employment by August 28, 2017. Exhibit A, pp 3-4.
3. On August 29, 2017, the Department received a completed Verification of Employment (DHS-38) signed by Petitioner's former employer showing that Petitioner quit her job effective May 16, 2017. Exhibit A, pp 4-5.
4. On August 30, 2017, the Department notified Petitioner that she was approved for Food Assistance Program (FAP) benefits as a group of four, and that she

would be disqualified from the benefit group due to a work participation sanction. Exhibit A, pp 6-8.

5. On August 30, 2017, the Department notified Petitioner that she had failed to participate in a required activity for refusing employment. Exhibit A, pp 9-10.
6. The Department held a triage meeting on September 7, 2017, where Petitioner was given the opportunity to establish good cause for refusing employment. Exhibit A, pp 9-10.
7. On September 7, 2017, Petitioner failed to attend the triage meeting.
8. On September 15, 2017, the Department received Petitioner's request for a hearing protesting the sanction on her Food Assistance Program (FAP) benefits.

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.

Applicants or recipients of Food Assistance Program (FAP) only must accept and maintain employment. There are consequences for a client who refuses to accept or maintain employment without good cause. Non-deferred adult members of FAP households must follow certain work-related requirements in order to receive food assistance program benefits. The Department will disqualify a non-deferred adult who voluntarily quits a job of 30 hours or more per week without good cause. Department of Health and Human Services Bridges Eligibility Manual (BEM) 233B (July 1, 2013), pp 1-4.

Good cause is a valid reason for failing to participate in employment and/or self-sufficiency-related activities or refusing suitable employment. Good cause includes a debilitating illness or injury. BEM 233B, pp 7-8.

Petitioner was an ongoing FAP recipient as a group of five when she submitted her completed Semi-Annual Contact Report and notified the Department that she was no longer working. On August 28, 2017, the Department requested that Petitioner provide verification of her loss of employment by August 28, 2017. On August 29, 2017, the

Department received a completed Verification of Employment (DHS-38) signed by Petitioner's former employer showing that Petitioner quit her job effective May 16, 2017.

On August 30, 2017, the Department notified Petitioner that she was approved for ongoing FAP benefits but as a group of four because Petitioner had been disqualified from the FAP benefit group. A triage meeting was scheduled for September 7, 2017, where Petitioner had the opportunity to establish good cause for her loss of employment. Petitioner failed to attend the meeting and failed to attempt to reschedule her triage meeting until September 15, 2017. Petitioner failed to present evidence supporting her claim of good cause in a timely manner and the Department made its good cause determination with the information that was available on September 7, 2017.

The Department credibly determined that Petitioner had refused employment by quitting a job without good cause.

Since Petitioner is a non-deferred adult that quit voluntarily quit a job of 30 hours or more per week without good cause, the Department was acting in accordance with policy when it sanctioned Petitioner's FAP benefits.

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 sanctioned Petitioner's Food Assistance Program (FAP) benefits and disqualified her from the benefit group.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
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