



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: August 3, 2018
MAHS Docket No.: 18-006488
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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; 42 CFR 438.400 to 438.424; 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 26, 2018, from Lansing, Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Emily Bright, Assistance Payments Supervisor.

ISSUE

Did the Department properly reduce Petitioner's Food Assistance Program (FAP) benefits because she failed to participate in the required employment and/or self-sufficiency related activities for FAP?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was a recipient of FAP, which required her to participate in employment and/or self-sufficiency related activities for FAP.
2. On August 14, 2017, the Department sent Petitioner a Notice of Noncompliance, DHS-2444, because she refused employment, requiring her to attend a triage meeting on August 22, 2017. This was her second non-compliance and her FAP benefits would be decreased for six months or until compliance, whichever was longer. Department Exhibit 1, pgs. 1-2.
3. Petitioner was a no call/no show for her PATH appointment on August 22, 2018.

4. On September 9, 2017, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, that her FAP benefits would be decreasing to \$504 per month effective October 1, 2017, due to failure to participate in employment and/or self-sufficiency related activities for FAP where you quit a job. Department Exhibit 1, pgs. 1-2.
5. On June 27, 2018, the Department received a hearing request from Petitioner, contesting the Department's negative action.

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.

In this case, Petitioner quit/resigned from her job at [REDACTED]. It was the end of the school year, but Petitioner informed her employer that she wasn't coming back next year when the school year started. As a result, Petitioner was in noncompliance with the FAP program.

On August 14, 2017, the Department sent Petitioner a Notice of Noncompliance, DHS-2444, because she refused employment, requiring her to attend a triage meeting on August 22, 2018. This was her second non-compliance and her FAP benefits would be decreased for six months or until compliance, whichever was longer. Department Exhibit 1, pgs. 1-2. Petitioner was a no call/no show for her PATH appointment on August 22, 2018.

On September 9, 2017, the Department Caseworker sent Petitioner a Notice of Case Action, DHS 1605, that her FAP benefits would be decreasing to \$504 per month effective October 1, 2017, due to failure to participate in employment and/or self-sufficiency related activities for FAP where you quit a job. Department Exhibit 1, pgs. 1-2. BEM 233a, 233b, and 233c.

On June 27, 2018, the Department received a hearing request from Petitioner, contesting the Department's negative action. This hearing request is not timely because more than 90 days have passed since the notice was sent on

September 9, 2017. Petitioner requested the hearing eight and a half months after the Department sent her the notice on September 9, 2017. The hearing request should have been dismissed as not timely, but this Administrative Law Judge thought that the notice was sent on June 27, 2018, as the hearing request claimed.


During the hearing, Petitioner stated that it has been over a year, but she still has not been added back to the group for FAP. According to Department's policy, Petitioner would need to get another job or be excused from working for medical reasons to be put back in the FAP group.

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 determined that Petitioner was in noncompliance with the FAP program when she quit her job resulting in her being removed as a member from the group, and resulting in a decrease in FAP benefits to \$504 per month with a penalty of six months or until compliance.

DECISION AND ORDER

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

CF/dh



Carmen G. Fahie
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) 763-0155; 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

Richard Latimore
4733 Conner
Detroit, MI 48215

Wayne County (District 57), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

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