



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: September 26, 2023
MOAHR Docket No.: 23-005031
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On August 17, 2023, Petitioner, [REDACTED] requested a hearing to dispute her Food Assistance Program (FAP) benefits closure. As a result, a hearing was scheduled to be held on September 21, 2023, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented herself. Respondent, Department of Health and Human Services (Department) had Tom Jones, Assistance Payments Supervisor, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 21-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly close Petitioner's 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 employed by [REDACTED]. Claimant's position was a part-time pharmacy technician, and Claimant worked an average of 15 hours per week.
2. In May 2023, Petitioner quit her job at [REDACTED].
3. Petitioner decided to quit her job because she was not satisfied with the hours she was getting, and she felt uncomfortable working with one of her coworkers.

4. Prior to quitting, Petitioner told her coworker that his comments made her uncomfortable, and he continued to make comments to her that made her uncomfortable. Petitioner then complained to a manager, but the manager did not do anything about the coworker. The comments that the coworker made to Petitioner that made Petitioner uncomfortable included comments about her ethnicity and her appearance.
5. On July 1, 2023, Petitioner reported a change to the Department.
6. While processing Petitioner's reported change, the Department discovered that Claimant had quit her job at [REDACTED] in May 2023.
7. The Department determined that Petitioner quit her job without good cause, so the Department determined that Petitioner was out of compliance with her work-related requirements.
8. The Department closed Petitioner's FAP benefits because she was out of compliance with her work-related requirements.
9. Petitioner requested a hearing to dispute the Department's closure.

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) 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 administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

Non-deferred adult members of a FAP household are required to comply with certain work-related requirements in order to receive FAP benefits. BEM 230B (January 1, 2018), p. 1-2. Non-deferred adults who are working a job of 30 hours per week or more may not quit a job without good cause. *Id.* In this case, the Department determined that Petitioner was out of compliance with the work-related requirements because the Department determined that Petitioner quit her job without good cause. Based on the evidence presented, Petitioner had been working less than 30 hours per week at the job that she quit, so Petitioner did not need good cause to quit. Petitioner was not prohibited from quitting her job because she had been working less than 30 hours per week, and the prohibition only applied to jobs of 30 hours per week or more. Thus, the Department did not properly find that Petitioner was out of compliance with the work-related requirements, and the Department did not properly close Petitioner's FAP benefits.

DECISION AND ORDER

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 its policies and the applicable law when it closed Petitioner's Food Assistance Program benefits.

IT IS ORDERED, the Department's decision is **REVERSED**. The Department shall reinstate Petitioner's FAP benefits effective the date of the closure so that Petitioner does not have any interruption in her FAP benefits. The Department shall begin to implement this decision within 10 days of the date of mailing of this decision and order.

JK/ml



Jeffrey Kemm
Administrative Law Judge

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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via Electronic Mail:

DHHS

Linda Gooden
Oakland County Southfield District III
25620 W. 8 Mile Rd
Southfield, MI 48033

MDHHS-Oakland-6303-Hearings@michigan.gov

Interested Parties

BSC4
M Holden
D Sweeney
MOAHR

Via First Class Mail:

Petitioner

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