

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2009-14721
Issue No: 3019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 28, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on May 28, 2009. Claimant personally appeared and testified. A family independence specialist represented the Department.

ISSUE

Did the Department properly deny Claimant's application for Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

- (1) Claimant applied for FAP benefits in December 2008.
- (2) The Department denied her application because she received a lifetime disqualification for intentional program violations of the food assistance program.

Claimant recalled that the disqualification occurred in 2003. She unsuccessfully fought the lifetime disqualification.

- (3) The Department submitted documentation from its CIMS computer system that indicated Claimant has a lifetime disqualification. (See Exhibit 1).
- (4) Claimant disagreed with the Department denying her most recent application for FAP benefits on the grounds that she did not intend to violate the program and needs food assistance at this time.
- (5) The Department received the Claimant's hearing request on February 13, 2009. (Exhibit 2).

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Standard Disqualification Periods

FIP, SDA and FAP

The standard disqualification period is used in all instances except when a **court** orders a different period (see **Non-Standard Disqualification Periods** in this item).

Apply the following disqualification periods to recipients determined to have committed IPV:

- One year for the first IPV.
- Two years for the second IPV.

- Lifetime for the third IPV. (PAM 720, p. 13).

FAP Program Violations

FAP Only

Courts order FAP program disqualifications for misuse of program benefits. See [PEM 203](#) for more information.

Apply disqualification periods when a recipient is convicted by a state or federal court, as follows:

- Two years when the recipient has been convicted of trading FAP to acquire illegal drugs, **or**
- Lifetime period when the recipient has been convicted of:
 - Trading FAP to acquire illegal drugs for a second time.
 - Trading FAP to acquire firearms, ammunition or explosives.
 - Trafficking FAP with a value of \$500 or more.
- The standard IPV disqualification periods apply to FAP trafficking convictions less than \$500.

The standard IPV disqualification periods apply to FAP trafficking determinations made by SOAHR or by the client signing a repay agreement. (PAM 720, p. 14).

The evidence presented by both parties is consistent with finding that Claimant has a lifetime disqualification for intentionally violating the food assistance program. PAM 720 indicates two ways that a client can receive a lifetime disqualification. It was not necessary in this hearing to discuss what actions led to Claimant's lifetime disqualification. Confirmation that Claimant received a lifetime disqualification is sufficient to find that the Department properly denied her application for FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly denied Claimant's application for FAP benefits.

Accordingly, the Department's action is AFFIRMED.

/s/ _____
Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/04/09

Date Mailed: 06/05/09

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

TW/dj

cc:

[REDACTED]