

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 201042555
Issue No: 3009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 9, 2010
SSPC-EAST

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 August 9, 2010.

ISSUE

Was the claimant's FAP application properly denied?

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 was a FAP applicant.
- (2) At the time of application, claimant was in absconder status with regards to his parole status, which is considered a violation.
- (3) At the time of the hearing, claimant was no longer in absconder status.
- (4) Claimant's FAP application was denied on May 24, 2010

- (5) Claimant filed for hearing on June 18, 2010, alleging that he disagreed with the actions of the Department of Human Services.

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 (DHS or Department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

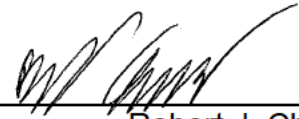
A person who is violating a condition of probation or parole imposed under a federal or state law is disqualified from the FAP program. The person is disqualified as long as he is violating probation or parole. BEM 203.

Claimant admitted, under oath, that he was in absconder status at the time of the application. While claimant is no longer considered in violation of his parole, for the purposes of the current hearing, claimant's status at the time of the negative action is the only relevant issue. At the time of the application and negative action, claimant was considered in violation of his parole. Therefore, per BEM 203, claimant was ineligible for FAP benefits when he applied, and his application required denial.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's FAP application was correct.

Accordingly, the Department's decision in the above stated matter is, hereby,
AFFIRMED.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/14/10

Date Mailed: 12/20/10

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.

RJC/dj

cc:

