

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: 2010-615

Issue No: 3002, 2001

Case No:

Load No:

Hearing Date:

October 29, 2009

Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 telephone hearing was conducted from [REDACTED] on October 29, 2009.

ISSUE

Whether the Department properly denied Claimant's application for Food Assistance Program (FAP) and Medical Assistance (MA) 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) On August 28, 2009, Claimant applied for FAP and MA benefits.
(Exhibits 1-16)

(2) On September 15, 2009, the Department discovered that Claimant has a lifetime sanction for three Intentional Program Violations (IPV) of the FAP program.

(Exhibit 20-23)

(3) On September 15, 2009, the Department sent Claimant a Notice of Case Action informing her that her application for FAP benefits was denied due her IPVs and that her application for MA benefits was denied because the Adult Medical program is closed to new enrollments. (Exhibits 17-19)

(4) On September 23, 2009, the Department received Claimant's hearing request protesting the denial of her application(s) for FAP and MA benefits. (Hearing Request)

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. Departmental policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Bridges Reference Manual (BRM).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

The standard disqualification period for recipients determined to have committed an IPV is one year for the first IPV, two years for the second IPV and lifetime for the third IPV. BAM 720, p.13

In the instant case, Claimant has three IPV's of the FAP program which necessitates a lifetime sanction. Also, the AMP program is closed to new enrollments. With the above said, I find that the Department established that it acted in accordance with policy in denying Claimant's FAP and MA application(s).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in denying Claimant's FAP and MA application(s).

Accordingly, the Department's FAP and MA eligibility determination(s) are AFFIRMED, it is SO ORDERED.

/s/ _____
Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 4, 2009

Date Mailed: November 5, 2009

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 90 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.

2010-615/smb

SMB/db

cc:

