

**STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES**

**IN THE MATTER OF:**

CARLO RODRIGUEZ-ALVARADO  
255 DIVISION AVE. S  
GRAND RAPIDS, MI 49503

Reg. No.: 2012-1011  
Issue No.: 3025  
Case No.: [REDACTED]  
Hearing Date: October 27, 2011  
County: Kent

**ADMINISTRATIVE LAW JUDGE:** Vicki L. Armstrong

**HEARING DECISION**

In accordance with MCL 400.9, MCL 400.37, and 1999 AC, R 400.903, a hearing was held in this matter on October 27, 2011. Claimant appeared at hearing and provided testimony.

**ISSUE**

Whether the Department properly denied Claimant's application for the Food Assistance Program (FAP) and State Disability Assistance (SDA) based on his inability to prove citizenship/immigration status.

**FINDINGS OF FACT**

Based on the competent, material, and substantial evidence on the whole record, including the testimony of witnesses, the Administrative Law Judge, finds as relevant fact:

1. Claimant applied for FAP and SDA on September 14, 2011. Claimant noted that he was not a US citizen on his application. (Department Exhibits 7-8).
2. On September 14, 2011, the department mailed Claimant a Notice of Case Action, informing Claimant that his application for FAP and SDA benefits was denied because he was not a citizen or eligible alien and had not provided proof of citizenship or immigration status. (Department Exhibits 1-3).
3. On September 22, 2011, Claimant filed a hearing request, contesting the department's denial of his FAP and SDA application. (Request for a Hearing).

## **CONCLUSIONS OF LAW**

The FAP [formerly known as the Food Stamp (FS) program] was 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 administers the FAP in accordance with MCL 400.10, *et seq.*, and 1997 AACCS, Mich Admin Code, Rules 400.3001-400.3015. Agency policies pertaining to this program are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, was established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, Rules 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

In accord with policy, the department is responsible for determining the alien status of each noncitizen requesting benefits at application. The alien status of each noncitizen requesting benefits MUST be verified. A person must be a U.S. citizen or have an acceptable alien status for the designated programs. Persons who do not meet this requirement, or who refuse to indicate their status, are disqualified. BEM 225.

Permanent resident alien status is indicated on one of the following:

- I-151 issued before June 1978 or I-551.
- I-327 (unexpired).
- I-94 stamped "Processed for I-551."
- Passport stamped "Processed for I-551 Temporary Evidence of Lawful Admission for Permanent Residence". BEM 225.

In this case, Claimant admitted on his application for FAP and SDA benefits that he was not a US citizen. Therefore, the department was required to verify Claimant's alien status before processing his application and requested Claimant's I-94, which indicates his permanent resident alien status. Claimant was unable to provide his I-94, stating that "he lost his I-94 when he lost his mind." Based on Claimant's admission that he was not a US citizen and his inability to prove he was a documented alien, this Administrative Law Judge finds the Department properly denied Claimant's application for FAP and SDA.

## **DECISION AND ORDER**

Based on the above findings of fact and conclusions of law, and for the reasons stated on the record, the Administrative Law Judge finds that the Department did act properly.

Accordingly, the Department's decision is AFFIRMED.

It is SO ORDERED.

/s/  
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Vicki L. Armstrong  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: 10/28/11

Date Mailed: 10/28/11

**NOTICE:** Michigan Administrative Hearing System (MAHS) 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. MAHS 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 mailing 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.

VLA/ds

■ [REDACTED]