

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

IN THE MATTER OF:



Reg. No.: 2013-27930
Issue No.: 2001;3009
Case No.: [REDACTED]
Hearing Date: March 13, 2013
County: Wayne (55)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on March 13, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department act in accordance with Department policy when it denied Claimant's application for the Adult Medical Program (AMP)?

Did the Department act in accordance with Department policy when it denied Claimant's application for Food Assistance Program (FAP) benefits based on a criminal justice disqualification?

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 applied for AMP and FAP benefits on January 25, 2013.
2. On January 25, 2013, the Department sent Claimant a Notice of Case Action advising him that his application for FAP benefits was denied based on a criminal justice disqualification.
3. Claimant's application for AMP was denied due to an enrollment freeze at the time of application.

4. On February 6, 2013, Claimant filed a request for hearing disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

At the hearing, Claimant stated that he only wished to address the issue regarding the denial of his FAP benefits; however, Claimant's January 25, 2013 application for the AMP was also denied. The Department testified that Claimant's AMP application was denied because there is currently a freeze on enrollments. BEM 640 provides that AMP applications received during the freeze on AMP enrollments must be registered and denied using "applicant did not meet other eligibility requirements" as the denial reason. BEM 640 (October 1, 2012), p.1. As such, the Department acted in accordance with Department policy when it denied Claimant's application for AMP benefits based on the enrollment freeze.


Additionally, Claimant applied for FAP benefits on January 25, 2013. The Department sent Claimant a Notice of Case Action on January 25, 2013, informing him that his FAP application was denied because he was subject to a criminal justice disqualification. People convicted of certain crimes, fugitive felons, and probation or parole violators are not eligible for assistance. BEM 203 (October 1, 2012), p. 1. For FAP cases, an individual convicted of a felony for the use, possession, or distribution of controlled substances two or more times in separate periods will be permanently disqualified if both offenses occurred after August 22, 1996. BEM 203, p.2. In this case, Claimant's FAP application was denied because he has two drug-related felony convictions, both occurring after August 22, 1996. The Department testified that the felony convictions were verified using the Michigan Department of Corrections Offender Tracking Information System (OTIS). Claimant also did not dispute that he had two drug-related felony convictions. Therefore, the Department acted in accordance with Department policy when it denied Claimant's application for FAP based on Claimant being subject to a criminal justice disqualification.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted in accordance with Department policy when it denied Claimant's application for AMP due to a freeze in enrollment at the time of application. It is further found that the Department acted in accordance with Department policy when it denied Claimant's application for FAP based on a criminal justice disqualification.

Accordingly, it is ORDERED:

The Department's AMP and FAP determinations are AFFIRMED.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 20, 2013

Date Mailed: March 20, 2013

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 90 days of the filing of the original request. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ZB/cl

cc:

