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

IN THE MATTER OF:



Reg. No.: 2013-48760

Issue No.: 3019

Case No.: June 20, 2013

County: Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

HEARING DECISION

This matter is before the undersigned Administ rative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on J une 20, 2013, from Lansing, Michigan. Participants on behalf of Claimant included Part icipants on behalf of the Department of Human Services (Department) included

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case?

FINDINGS OF FACT

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

- 1. On or around May 9, 2013, the Claimant submitted a redetermination indicating past felony drug convictions.
- 2. On May 9, 2013, the Department sent the Claimant a notice of case action. The notice indicated the Claimant's FAP case was closing effective June 1, 2013 due to prior drug related felony convictions.
- 3. Since August 22, 1996, the Claimant has been convicted of two or more drug related felonies.
- 4. On May 14, 2013, the Claimant requested a hearing in protest of the FAP closure.

CONCLUSIONS OF LAW

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

The FAP [formerly known as the Food Stamp (F S) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in T itle 7 of the Code of Federal Regulations (CF R). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3001 through Rule 400.3015.

People convicted of certain crimes, fugitive felons, and probation or parole violators are not eligible for assistance.

An individual convicted of a felony for the use, possession, or distribution of controlled substances two or more times will be permanent ly disqualified if both offenses occurred after August 22, 1996. (BEM 203).

Based on the testimony and the exhibits prov ided, I find the Claimant has at least two separate drug related felony convictions that arose after August 22, 1996. Therefore, I find the Department properly closed the Claimant's FAP case.

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 reco rd, finds that the Department did act properly.

Accordingly, the Department's FAP decision is **AFFIRMED**.

Corey A. Arendt Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: June 21, 2013

Date Mailed: June 24, 2013

NOTICE: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely 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 <u>MAY</u> 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 ot her relevant iss ues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative hearings

Recons ideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

CAA/las

