

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

IN THE MATTER OF:



Reg. No.: 201336068
Issue No.: 3019
Case No.: [REDACTED]
Hearing Date: April 24, 2013
County: Saginaw

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 April 24, 2013. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's January 16 & 17, 2013 Food Assistance Program (FAP) applications due to a criminal justice disqualification?

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 January 16, 2013, Claimant submitted an application for Food Assistance Program (FAP) benefits. The application was denied due to [REDACTED] disqualification of have two or more [REDACTED] related [REDACTED] since August 1996.
- (2) On January 17, 2013, Claimant submitted a second application for Food Assistance Program (FAP) benefits. The application was denied due to [REDACTED] disqualification of have two or more [REDACTED] related [REDACTED] since August 1996.
- (3) On January 18, 2013, Claimant was sent notice of the denials.
- (4) On March 5, 2013, Claimant submitted a request for hearing.

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 Program Reference Manual (PRM).

Claimant does not dispute that he has two or more [REDACTED] related [REDACTED] [REDACTED] since August 1996. Department of Human Services Bridges Eligibility Manual (BEM) 203 (2012) page 2 states "an individual convicted of a [REDACTED] for the use, [REDACTED] or distribution of [REDACTED] [REDACTED] two or more times in separate periods will be permanently disqualified if both offenses occurred after August 22, 1996.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's January 16 & 17, 2013 Food Assistance Program (FAP) applications due to a [REDACTED] [REDACTED] disqualification.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 4/26/13

Date Mailed: 4/29/13

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.

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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.

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

GHF/tb

cc:

