

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

IN THE MATTER OF:



Reg. No.: 201351411
Issue No.: 3009
Case No.: [REDACTED]
Hearing Date: July 3, 2013
County: Wayne County (#98)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's June 5, 2013 request for a hearing. After due notice, a telephone hearing was conducted on Wednesday, July 3, 2013, from Detroit, Michigan. The Claimant appeared and testified. Participants on behalf of Department of Human Services (Department) included [REDACTED] II (Assistant Payment Worker) and [REDACTED] (Department Manager).

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |

FINDINGS OF FACT

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

1. On May 22, 2013 Claimant applied for benefits received benefits for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. On May 29, 2013, the Department

denied Claimant's application closed Claimant's case
due to having two drug related felony convictions since August 1996 .

3. On May 29, 2013, the Department sent Claimant
notice of the denial. closure. (Exhibit 2)

4. On June 5, 2013, Claimant filed a hearing request, protesting the
 denial of the application closure of the case.

CONCLUSIONS OF LAW

The Department of Human Services (DHS) 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 1999 AC, R 400.3001 through Rule 400.3015.

Additionally, people convicted of certain crimes and probation or parole violators are not eligible for assistance. A person who has been convicted of a felony for the use, possession, or distribution of controlled substances two or more times in separate periods will be permanently disqualified from receiving FAP or cash assistance. BEM 203 (June 2013), p. 2.

In this case, Claimant was convicted of three drug related felony offenses: in July 1998, May 2000 and April 2001, thus subject to permanent disqualification from receiving FAP benefits in accordance with policy. (Exhibit 1) Claimant testified that he previously was found eligible to receive FAP benefits and questioned why he was not currently eligible since his convictions were over 10 years old. Department policy changes on a regular basis. Prior to October 2011, the departmental policy did not require permanent disqualification from receiving benefits for two or more drug related offenses. A review of current policy shows the Department established it acted properly when it denied Claimant's application for FAP benefits.

Accordingly the Department action is UPHHELD.

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 did act properly. did not act properly when it denied Claimant's May 22, 2013 application for FAP benefits..

Accordingly, the Department's AMP FIP FAP MA SDA CDC determination is hereby, AFFIRMED.

M. Howie

Michelle Howie
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 7/12/2013

Date Mailed: 7/12/2013

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

MH/hw

cc [REDACTED]