

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

IN THE MATTER OF:

████████████████████
████████████████████
████████████████████

Reg. No.: 2013-57557
Issue No.: 3019
Case No.: ██████████
Hearing Date: August 12, 2013
County: Oakland (03)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Monday, August 12, 2013. Claimant appeared and testified. Participating on behalf of Department of Human Services ("Department") was ██████████.

ISSUE

Whether the Department properly denied Claimant's July 9, 2013 Food Assistance Program ("FAP") application.

FINDINGS OF FACT

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

1. The Department received Claimant's FAP application on July 9, 2013.
2. At this time, automated interface with the ██████████ revealed Claimant had an outstanding felony warrant. (Exhibit 1)
3. On July 10, 2013, the Department denied the FAP application based on a criminal justice disqualification. (Exhibit 2)
4. On July 15, 2013, the Department received Claimant's timely written request for hearing protesting the denial of the FAP application.
5. On July 29, 2013, the Office of Inspector General ("OIG") submitted a letter confirming that as of that date, the felony warrant was still outstanding.

CONCLUSIONS OF LAW

Department policies are found 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 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. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, Rules 400.3001 through Rule 400.3015.

The Department routinely matches recipient data with other agencies through automated computer data exchanges. BAM 811 (May 2013), p. 1. The Michigan State Police (“MSP”) identify clients who are currently fugitive felons on a monthly basis. BAM 811, p. 1. The MSP also identifies when the client is no longer a fugitive felon on a daily basis. BEM 811, p. 1. The automated process identifies an exact match based on first name, last name, date of birth, social security number, and gender. BAM 811, p. 1.

People convicted of certain crimes, fugitive felons, and probation or parole violators are not eligible for FAP benefits. BEM 203 (May 2013), p. 1. A fugitive felon is a person who is subject to arrest under an outstanding warrant arising from a felony charge against that person; is subject to arrest under an outstanding warrant for extradition arising from a criminal charge against that person in another jurisdiction; or admits to being a fugitive felon. BEM 203, p. 1. The Department’s system (Bridges) is updated when an individual self discloses as a fugitive felon; a Department match identifies an individual as a fugitive felon; or a written statement from a law enforcement official, prosecuting attorney, or Office of Inspector General (“OIG”) that identifies an individual as a fugitive felon and locating or apprehending the individual is within the officer’s official duties. BEM 203, pp. 1, 2. An individual is disqualified as a fugitive felon as long as s/he is subject to arrest under an outstanding warrant. BEM 203, p. 2.

In this case, Claimant submitted an application for FAP benefits on July 9, 2013. At that time, Claimant had an outstanding felony warrant. Claimant testified that he has since contacted the police department and is in the process of addressing the matter, noting a court date of September 9th. Ultimately, because at the time of the application and denial, Claimant had an outstanding felony warrant, the Department established it acted in accordance with Department policy when it denied Claimant’s FAP application based on a criminal justice disqualification. Accordingly, the Department’s actions are **AFFIRMED**.

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 established it acted in accordance with Department policy when it denied Claimant's FAP application based on Claimant's status as a fugitive felon.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: August 13, 2013

Date Mailed: August 13, 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 receipt 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

CMM/tm

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]