

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-11515
Issue No(s): 3009
Case No.: [REDACTED]
Hearing Date: December 10, 2013
County: DHS-SSPC- West

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on December 10, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED] the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly deny the Claimant's Food Assistance Program (FAP) application due to a criminal 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. On October 9, 2013, the Claimant applied for FAP.
2. On October 11, 2013, a Notice of Case Action was issued to the Claimant stating the FAP application was denied due to a criminal disqualification.
3. On or about October 11, 2013, the Claimant filed a request for hearing contesting the Department's action.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

Additionally, fugitive felons are not eligible for assistance. A fugitive felon is a person who: (1) is subject to arrest under an outstanding warrant arising from a felony charge against that person (this includes persons charged with felony welfare fraud who fail to appear in court); (2) is subject to arrest under an outstanding warrant for extradition arising from a criminal charge against that person in another jurisdiction; or (3) admits to being a fugitive felon. A Department of Human Services (DHS) match is one way an individual may be identified as a fugitive felon. Bridges will disqualify the individual as a fugitive felon as long as he or she is subject to arrest under an outstanding warrant. BEM 204 (7-1-2013) page 1. The DHS matches are automated computer data exchanges that occur routinely with other agencies. The Michigan State Police identifies clients who are currently fugitive felons. BAM 811(7-1-2013) pages 1-2.

In this case, the Eligibility Specialist credibly testified that an interface with the Michigan State Police identified the Claimant as having a criminal disqualification. The print out of the Case Comments-Summary indicates the DHS match indicated fugitive status. (Exhibit A, page 4) Accordingly, the Department denied the Claimant's October 9, 2013 FAP application.

The Claimant testified that the only thing he could think of that would cause this status is being behind in his child support, and not because he has been convicted of a crime. The Claimant explained that he has been disabled and not working since an injury that occurred in February 2012. The Claimant indicated he contacted local law enforcement and there is a bench warrant for the Claimant due to being behind in his child support. The Claimant is working with local law enforcement and the attorney for his social security disability case to clear up the bench warrant because the Claimant has been unable to work due to his impairment and therefore unable to pay the child support.

The evidence establishes that at the time the Claimant's October 9, 2013 FAP application was processed, he had a bench warrant. Accordingly, the determination to deny that application due to the DHS match identifying the Claimant as a fugitive felon must be upheld. When the bench warrant is resolved with local law enforcement, the Claimant may wish to reapply for FAP benefits.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied the Claimant's FAP application based on criminal disqualification.

DECISION AND ORDER

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

/s/

Colleen Lack
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: December 12, 2013

Date Mailed: December 13, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

CL/hj

201411515/CL

cc:

