

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201321588

Issue No: 3009

[REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, an in-person hearing was held on [REDACTED]. Claimant's Authorized Hearings Representative, [REDACTED] appeared and testified. The Department was represented by [REDACTED].

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) benefits due to a felony warrant being issued against her?

FINDINGS OF FACT

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

1. Claimant was a recipient of FAP and SDA benefits
2. Notice of case action was sent to Claimant on [REDACTED] informing her that her case was closed due to a criminal disqualification.
3. The Department presented a statement from OIG agent, [REDACTED] stating that Claimant was subject to arrest under an outstanding warrant arising from a felony charge issued by the [REDACTED].
4. No further details regarding an alleged felony warrant were provided in the statement presented at hearing. The OIG agent was not present or available to testify at hearing.

5. Claimant requested a hearing on [REDACTED] contesting the closure of FAP and SDA benefits.
6. The Department attached a printout of for [REDACTED] District Court for an ordinance misdemeanor criminal warrant in the hearings packet.
7. Claimant's [REDACTED] advocated present documentation showing that the warrant related to the [REDACTED] District Court had been lifted prior to the hearing in this matter.

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 (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.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Bridges Reference Manual (PRM).

FUGITIVE FELONS FIP, RAP, SDA, CDC and FAP

A fugitive felon is a person who:

- 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).
- Is subject to arrest under an outstanding warrant for extradition arising from a criminal charge against that person in another jurisdiction.
- Admits to being a fugitive felon.

Document Bridges when the following apply:

- An individual self discloses as a fugitive felon.
- A DHS match identifies an individual as a fugitive felon.
- A written statement is obtained from a law enforcement official, prosecuting attorney or OIG identifies an individual as a fugitive felon and locating or apprehending the individual is within the officer's official duties.

Bridges will disqualify the individual as a fugitive felon as long as he or she is subject to arrest under an outstanding warrant.

Note: Law enforcement officers are entitled to receive recipients' addresses if their official duties are apprehending persons wanted for a felony as long as a DHS match or a written statement is received. BEM 203.


In the present case, the Department failed to present adequate proof that Claimant had an outstanding felony warrant. The only thing the Department presented at hearing was a statement from an OIG agent checking a box that alleged that Claimant had an outstanding felony warrant issued by the [REDACTED]. No details about the alleged warrant were presented at hearing. The OIG agent was not present or available to testify at hearing. The underlying offense related to the warrant, the date of the warrant and the court or the Judge whom issued the warrant was not stated. Claimant should be provided the details of the warrant so that she could contest and refute the assertion made by the Department. Without the underlying basis of the alleged warrant this Administrative Law Judge finds that the Department failed to present adequate proof that Claimant has an outstanding felony warrant that would require closure of her case. BEM 203.

Claimant's Authorized Hearings Representative presented evidence at hearing that Claimant had outstanding warrants in other courts that were misdemeanors. Those warrants had been lifted as of the date of hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the closure of Claimant's FAP and SDA benefits and it is ORDERED that the Department's decision in this regard be and is hereby **REVERSED**. Claimant's FAP and SDA benefits shall be reinstated going back to the closure and the negative action shall be deleted. Any missed benefits shall be paid to Claimant in the form of a supplement.

Aaron
Administrative
for
Department


McClintic
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: 03/21/2013

Date Mailed: 03/21/2013

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

AM/kl

cc:

