

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: [REDACTED]
Issue No.: 3019
Case No.: [REDACTED]
Hearing Date: February 26, 2013
County: Wayne County DHS #49

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 following Claimant's request for a hearing. After due notice, a hearing was held on February 26, 2013. Claimant appeared and testified.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case on February 1, 2013 due to a criminal justice 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. Claimant was an ongoing recipient of Food Assistance Program (FAP) benefits.
2. On December 31, 2012, the Department sent Claimant a Notice of Case Action (DHS-1605) which stated his Food Assistance Program (FAP) would close on February 1, 2013 due to a criminal justice disqualification.
3. On January 11, 2013, Claimant filed a hearing request.

CONCLUSIONS OF LAW

Department 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 1997 AACRS R 400.3001-3015.

At this hearing the Department representatives testified that they BRIDGES program generated the action and they did not have any specific information about the criminal justice disqualification because the local office person who downloads the specific information has not been in the last few days. Claimant testified that he thinks he may have an outstanding traffic ticket but nothing else. Department of Human Services Bridges Eligibility Manual (BEM) 203 (2012) provides the specific facts and circumstances which constitute a criminal justice disqualification. Having an outstanding traffic ticket does not meet any of the disqualification criteria in BEM 203.

The Department has failed to meet its burden of going forward with evidence and showing that the action is correct. This Department action cannot be upheld.

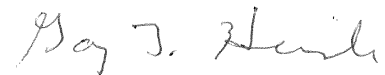
A detailed analysis of the evidence presented, applicable Department policies, and reasoning for the decision are contained in the recorded record. During the hearing the Department was informed of the decision and the reasoning behind the decision.

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 NOT properly close Claimant's Food Assistance Program (FAP) case on February 1, 2013 due to a criminal justice disqualification.

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

It is further ORDERED that the Department reinstate Claimants Food Assistance Program (FAP) and that any Food Assistance Program (FAP) benefits Claimant was otherwise eligible for but did not receive because of this action will be supplemented.



Gary F. Heisler
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: February 27, 2013

Date Mailed: February 28, 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.

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

GFH/hj

cc:

