



Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department of Human Services Bridges Eligibility Manual (BEM) 203 (2013) page 2 states "An individual convicted of a felony for the use, possession, or distribution of controlled substances two or more times in separate periods will be permanently disqualified if both offenses occurred after August 22, 1996."

During this hearing Claimant testified that she had been convicted 5 times but was not sure that all were [REDACTED]. When specifically asked, Claimant testified that on the first [REDACTED], she was sentenced to [REDACTED] s time [REDACTED] in [REDACTED] and [REDACTED]. Claimant also testified that she was sentenced to [REDACTED] on the [REDACTED], [REDACTED]. Claimant testified she did not specifically remember the other sentences but did not think they were [REDACTED]. It is noted that Claimant's criminal history shows all [REDACTED] were for "Controlled substance/possession of [REDACTED] or other [REDACTED] less than [REDACTED]. The [REDACTED], she was found [REDACTED] of [REDACTED]."  
Claimant could not have been [REDACTED] for an [REDACTED] ense if she had not been previously convicted of [REDACTED].

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Food Assistance Program (FAP) due to a criminal justice disqualification.

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

/s/ \_\_\_\_\_  
Gary F. Heisler  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: 5/6/13

Date Mailed: 5/6/13

**NOTICE:** Administrative Hearings 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. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

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 48909-0

GFH/tb

cc:

