

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

**IN THE MATTER OF:**

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

Reg. No.: 2013-58723  
Issue No.: 3009  
Case No.: ██████████  
Hearing Date: August 15, 2013  
County: Wayne (31)

**ADMINISTRATIVE LAW JUDGE:** Zainab Baydoun

**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 held on August 15, 2013, from Detroit, Michigan. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included ██████████ Family Independence Specialist.

**ISSUE**

Did the Department act in accordance with Department policy when it closed Claimant's Food Assistance Program (FAP) case based on 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 FAP benefits.
2. On June 19, 2013, the Department sent Claimant a Notice of Case Action advising him that his FAP case would be closing effective July 1, 2013 due to a criminal justice disqualification. (Exhibit 1)
3. On July 17, 2013, Claimant filed a request for hearing disputing the Department's actions.

## **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services 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 Mich Admin Code, R 400.3001 through R 400.3015.

Additionally, fugitive felons are not eligible for FAP assistance. BEM 204 (June 2013), p. 1. A fugitive felon is defined as 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 or admits to being a fugitive felon. BEM 204, p. 1.

The Department matches benefit recipient data with the Michigan State Police (MSP), which identifies on a monthly basis clients who are currently fugitive felons and on a daily basis clients who are no longer fugitive felons. BAM 811 (May 2013), p 1; see also MCL 400.10c. This automated process identifies an exact match based on first name, last name, date of birth, social security number and gender. The monthly match will set to close any clients identified as a fugitive felon. BAM 811, p 1. When a match appears on the Department's system, the Department is required to send the client a Notice of Case Action informing the client that they have a criminal justice disqualification showing, and to go to a local law enforcement agency to resolve the issue. BAM 811, p 1.

The Department will document Bridges when: an individual self discloses as a fugitive felon; a Department match identifies an individual as a fugitive felon; or a written statement is obtained from a law enforcement official, prosecuting attorney or Office of Inspector General 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. BEM 204, p.1.

In this case, the Department testified that a data match identified that Claimant was subject to a criminal justice disqualification. As a result, the Department sent Claimant a Notice of Case Action on June 19, 2013, informing him that his FAP case would close effective July 1, 2013 because he was subject to a criminal justice disqualification. The Notice of Case Action advised Claimant to contact his local law enforcement agency to resolve this issue. (Exhibit 1). BEM 204, p.1; BAM 811. p.1.

At the hearing, the Department presented an August 1, 2013 letter from the Michigan Office of Inspector General (OIG) indicating that Claimant was an individual subject to an arrest under an outstanding warrant arising from a felony charge issued by the [REDACTED] and that he continued to meet the outstanding felony warrant criteria as of [REDACTED] (Exhibit 2). Claimant confirmed that the name, date of birth and last four digits of the social security number on the letter were his own. This letter verifies that Claimant's outstanding warrant was not resolved as of the hearing date.

Claimant testified that he was arrested on or about [REDACTED] in [REDACTED] and that in [REDACTED]; he went to the [REDACTED] [REDACTED] and was informed that that he had \$4,000.00 in tickets that needed to be paid. Claimant indicated that he attempted to have the matter resolved.

Despite Claimant's efforts to resolve the issue however; as of the hearing date, Claimant has not obtained a police clearance and his warrant remains outstanding. Under these facts, the Department acted in accordance with Department policy when it closed Claimant's FAP case based on the criminal justice disqualification.

### **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 act in accordance with Department policy when it closed Claimant's FAP case based on a criminal justice disqualification. Accordingly, the Department's decision is AFFIRMED.



**Zainab Baydoun**

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

Date Signed: August 23, 2013

Date Mailed: August 23, 2013

**NOTICE OF APPEAL:** 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).

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.

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

ZB/cl

cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]