

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

IN THE MATTER OF:

[REDACTED]

Reg. No.:
Issue No(s):
Case No.:
Hearing Date:
County:

[REDACTED]

ADMINISTRATIVE LAW JUDGE: MICHAEL S. NEWELL

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 [REDACTED], from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Eligibility Specialist and [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly close FAP benefits?

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 [REDACTED], the Department issued a NCA closing Claimant's FAP effective [REDACTED].
2. The Notice of Case Action stated in pertinent part, "You or a member of your group is not eligible for assistance due to criminal justice disqualification. Please have the disqualified member of your group contact law enforcement agency to resolve."
3. Claimant requested a hearing on [REDACTED].

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, Bridges Administrative Manual (BAM) 811 (2013) p. 1 provides that Michigan State Police (MSP) identifies Claimants or group members who are currently fugitive felons on a monthly basis. MSP also identifies when the Claimant or group member is no longer a fugitive felon on a daily basis. This is an automated process in Bridges which 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 Claimant's identified as a fugitive felon, and will set to disqualify any group members identified as a fugitive felon. When the Bridges computer system sets a Claimant's case to close, a DHS-1605, Notice of Case Action, will be generated. This notice will inform the Claimant that they, or a group member, have a criminal justice disqualification showing, and to go to a local law enforcement agency to resolve the issue. This notice is in evidence as Department's Exhibit 1.

BAM 811 p. 1 also provides that if it is found that neither match is accurate, the specialist will correct the fugitive felon status in Bridges. The next fugitive felon matches will not show the client. Therefore, if the Claimant can produce some evidence from the MSP that there is no outstanding felony warrant for the Claimant, the Department's worker can correct the status in the computer system. As such, the Administrative Law Judge determines that when the Department took action to close the Claimant's FAP case for a criminal justice disqualification of fugitive felon, the Department was acting in accordance with its policy.

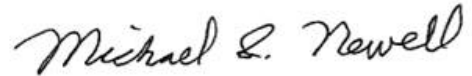
Claimant testified that he went to a police department and got frustrated and left. If Claimant wishes to resolve this matter and become eligible for food stamps, he needs to provide documentation that he is not a fugitive felon.

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 canceled Claimant's FAP.

DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:



MICHAEL S. NEWELL
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 2, 2014

Date Mailed: May 2, 2014

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

2014-33885/MSN

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

MSN/nr

cc:

