



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: April 26, 2016
MAHS Docket No.: 16-003339
Agency No.: [REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on April 21, 2016, from Detroit, Michigan. The Petitioner appeared for the hearing and represented himself. The Department of Health and Human Services (Department) was represented by [REDACTED], Medical Contact Worker.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case on the basis that he was permanently disqualified from the FAP due to being convicted of two drug related felonies?

FINDINGS OF FACT

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

1. Petitioner was an ongoing recipient of FAP benefits.
2. On March 11, 2016, the Department sent Petitioner a Notice of Case Action informing him that effective April 1, 2016, his FAP case would be closed on the basis that he has been convicted of two drug related felonies and is ineligible for FAP benefits. (Exhibit A, pp. 5-6)
3. On March 21, 2016, Petitioner requested a hearing disputing the Department's actions. (Exhibit A, p. 7)

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

Additionally, people convicted of certain crimes and probation or parole violators are not eligible for assistance. BEM 203 (October 2015), p. 1. Specifically with respect to FAP cases, 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. BEM 203, p.2.

In this case, the Department testified that it received correspondence from the Office of Inspector General (OIG) indicating that Petitioner has been convicted of three drug related felonies in Wayne County, each occurring after August 22, 1996. (Exhibit A, pp. 2-4). The information obtained by the OIG during its investigation indicated that according to the Third Judicial Circuit Court, Petitioner had a drug related felony conviction on April 25, 2001 [REDACTED], a second drug related felony conviction on June 23, 2005 [REDACTED] and a third drug related felony conviction on September 21, 2012 [REDACTED]. (Exhibit A, pp. 2-4). On March 11, 2016, the Department sent Petitioner a Notice of Case Action informing him that effective April 1, 2016, his FAP case would be closed because he was permanently disqualified from the FAP as a result of having two or more drug related felony convictions. (Exhibit A, pp.5-6). Although the Department did not provide documentation to verify the convictions, Petitioner confirmed the Department's testimony and stated that he did have three felony drug related convictions in Wayne County for the dates identified by the Department.

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 closed Petitioner's FAP case effective April 1, 2016, as he was subject to a permanent disqualification from receipt of FAP benefits.

DECISION AND ORDER

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



ZB/tlf

Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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 48909-8139

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