



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: June 13, 2017
MAHS Docket No.: 17-006170
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Denise McNulty

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 June 7, 2017, from Lansing, Michigan. The Petitioner represented himself. The Department of Health and Human Services (Department) was represented by [REDACTED] Hearing Facilitator.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (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. Petitioner applied for FAP benefits on March 1, 2017. [Exhibit A, p. 15.]
2. Petitioner was initially approved for \$ [REDACTED] in monthly FAP benefits. [Exhibit A, p. 16.]
3. Petitioner admitted to having one felony drug-related conviction during the March 6, 2017, interview in connection with his application for benefits. [Exhibit A, p. 16.]
4. Petitioner denied having any felony drug-related convictions on his application, [Exhibit A, p. 7.]

5. The Front End Eligibility (FEE) investigation, completed on April 12, 2017, revealed Petitioner had two felony drug-related convictions both after August 22, 1996.
6. Petitioner is the only member of his FAP group.
7. In connection with FEE investigation of Petitioner's application for FAP benefits, the Department sent the Petitioner an April 24, 2017, Notice of Case Action informing him that his FAP case would be closed as of June 1, 2017-ongoing. [Exhibit A, pp. 18-21.]
8. On May 1, 2017, the Department received Petitioner's verbal hearing request disputing the closure of his FAP case. [Exhibit A, pp. 2 and 22.]

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.

In this case, Petitioner requested a hearing disputing the Department's decision to close his case regarding FAP benefits. Petitioner applied for FAP benefits on March 1, 2017. [Exhibit A, p. 15.] After being approved for benefits Petitioner admitted in an interview with the Department that he had one felony drug-related conviction after August 22, 1996. On his application Petitioner indicated that he did not have any felony drug-related convictions. The Department conducted a FEE investigation and learned Petitioner had two felony drug-related convictions after August 22, 1996. [Exhibit A, pp. 7 and 16.] In the hearing, Petitioner admitted that he was convicted of felony drug-related offenses on November 1, 2002, and on February 28, 2012.

Individuals convicted of certain crimes and probation or parole violators are not eligible for assistance. BEM 203 (October 2011 and October 2015), p. 1. Effective October 1, 2011, an individual convicted of a felony for the use, possession, or distribution of controlled substances will be permanently disqualified from receipt of FAP if (i) the terms of probation or parole are violated and the qualifying conviction occurred after August 22, 1996, or (ii) the individual was convicted two or more times and both offenses occurred after August 22, 1996. BEM 203, p. 2. Therefore, the Department acted properly and in accordance with Department policy when it closed Petitioner's

FAP case because he had two felony drug-related convictions for separate offenses which occurred after August 22, 1996.

DECISION AND ORDER

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 as of June 1, 2017.

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



DM/nr

Denise McNulty
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

DHHS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]