



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: April 4, 2017
MAHS Docket No.: 17-002705
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 [REDACTED], from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator.

ISSUE

Did the Department properly reduce the 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. The Petitioner had [REDACTED] move in with the Petitioner in the month of [REDACTED].
2. The Petitioner's FAP benefits were increased due to an additional person, [REDACTED] added to the Petitioner's FAP group.
3. [REDACTED] was found to have been convicted of two or more drug felony convictions, on [REDACTED], and [REDACTED], in the [REDACTED] District Court.
4. The Department removed him from the Petitioner's FAP group, reducing the Petitioner's FAP benefits effective [REDACTED].

5. On [REDACTED] the Petitioner requested a hearing to protest the reduction of her FAP benefits

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, the Department received information that [REDACTED], who was living with the Petitioner and receiving FAP benefits through the Petitioner's FAP group, had been convicted of two or more drug-related felony convictions in the [REDACTED] District Court on [REDACTED], and [REDACTED].

The Petitioner received a Benefit Notice that included a form to request a hearing. On the Hearing Request form the Department states, "[REDACTED] is not eligible because he had been convicted of at least two drug-related felonies since [REDACTED] [REDACTED] which results in a permanent disqualification for this type of assistance." (BEM 203, October, 2015).

The Petitioner argues that the name [REDACTED] raises the question as to whether [REDACTED] was the person who had been convicted of two or more drug-related felonies. This argument fails because the Petitioner acknowledges that [REDACTED] [REDACTED] was the father of her child and the man that was living with her.

The documentation provided by the [REDACTED] District Court and the Department shows that [REDACTED] was convicted of two drug-related felonies since [REDACTED]. The Petitioner testified that it was [REDACTED] not [REDACTED] who was the father of her child and living with her.

The undersigned ALJ finds that the Department made the correct decision when it reduced the Petitioner's FAP benefits.

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 reduced the Petitioner's FAP benefits.

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

MJB/jaf



Michael J. Bennane
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]

Petitioner

[REDACTED]

[REDACTED]