



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 19, 2017
MAHS Docket No.: 17-003464
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 11, 2017, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Hearing Facilitator.

ISSUE

Did the Department properly determine that the Petitioner was not eligible for Food Assistance Program (FAP) benefits because he was convicted of 2 drug felonies since August 22, 1996?

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 March 9, 2017, the Petitioner applied for FAP benefits where he indicated on his application that he had been convicted of a drug felony more than once. Department Exhibit 1, pgs. 8-20.
2. On March 10, 2017, the Department Caseworker received confirmation from and OIG inspector that the Petitioner had been convicted of 3 drug related felonies of April 9, 2009, July 20, 2007, and November 19, 2007. Department Exhibit 1, pgs. 21.

3. On March 10, 2017, the Department Caseworker sent the Petitioner a notice that his FAP application was denied due to him not being eligible for FAP benefits due to conviction of at least 2 drug related felonies since August 22, 1996, which results in permanent disqualification for FAP benefits. Department Exhibit 1, pgs. 4-7.
4. On March 10, 2017, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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 Petitioner applied for FAP benefits where he indicated on his application that he had been convicted of a drug felony more than once on March 9, 2017. Department Exhibit 1, pgs. 8-20. On March 10, 2017, the Department Caseworker received confirmation from an OIG inspector that the Petitioner had been convicted of 3 drug related felonies of April 9, 2009, July 20, 2007, and November 19, 2007. Department Exhibit 1, pgs. 21. On March 10, 2017, the Department Caseworker sent the Petitioner a notice that his FAP application was denied due to him not being eligible for FAP benefits due to conviction of at least 2 drug related felonies since August 22, 1996, which results in permanent disqualification for FAP benefits. Department Exhibit 1, pgs. 4-7. On March 10, 2017, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BEM 203.

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 denied the Petitioner's FAP application because he had more than 2 felony drug convictions since August 22, 1996, which banned him from receiving FAP benefits for a lifetime.

DECISION AND ORDER

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

Carmen G. Fahie

CF/nr

Carmen G. Fahie
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]