



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: April 28, 2017  
MAHS Docket No.: 17-003932  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris**

### **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 20, 2017, from Detroit, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Damon Carter, Eligibility Specialist.

### **ISSUE**

Did the Department properly close the Petitioner's Food Assistance Program (FAP) case and FAP access to his Bridge Card due to incarceration?

### **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 was an ongoing FAP recipient and completed a redetermination for February 2017.
2. On March 1, 2017, the Petitioner's FAP Electronic Benefit Transfer (EBT) Card access was terminated. [Exhibit B.] The Department also issued a Notice of Case Action, dated March 1, 2017, closing the Petitioner's FAP benefits due to its determination that Petitioner was incarcerated. [Exhibit A.]
3. The Petitioner requested a timely hearing on March 22, 2017, protesting the Department's actions.

## 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, an individual who is currently incarcerated in the Michigan prison system is being identified as the Petitioner through no fault of Petitioner. At the hearing, the Department presented an MDHHS FEE investigation report and an OTIS report for an individual bearing the name [REDACTED], with a picture. The individual in the picture, as testified to by the Petitioner and the Department, is not the Petitioner and was confirmed by the DHHS Representative present in the hearing room and also provided the Petitioner's driver's license in support of his testimony. In addition, the Petitioner also credibly testified under oath that he was not incarcerated at any time when the Department took actions to close his FAP case and deny access to his EBT Bridge Card on March 1, 2017. [See Exhibits C and D.]

Department policy found in BAM 804 provides:

A person in a federal, state or local correctional facility for more than 30 days is not eligible to receive FIP, SDA or FAP benefits.

The automated Incarceration Match is a monthly match between Department of Corrections (DOC) and Bridges. This match runs for all individuals who are active for any program whose current living arrangement is not prison.

If a valid match is found the interface will update living arrangement of the individual to prison and create a mass update trigger for all cases where the client is active. Eligibility will then be re-determined for all programs on the cases where the client is active.

A bad match may occasionally occur. If a bad match is suspected a collateral contact with the client must be completed to verify this client is not in prison.

An authorized person from the local office is to call in a help desk ticket indicating a bad incarceration match with the following information:

- Client name.
- Case number.
- Client ID number.
- Program(s) effected.
- The release date from prison if the client was incarcerated.
- The month(s) effected.

The ticket will be assigned and flagged as a bad match and when the report runs for the following month the clients programs will not be effected. BAM 804 (July 1, 2014) pp. 1-2.

Based upon the evidence presented it is determined that the Department improperly closed the Petitioner's FAP benefits and terminated access to the Petitioner's EBT bridge card based upon mistaken identity of the Petitioner with someone else.

### **DECISION AND ORDER**

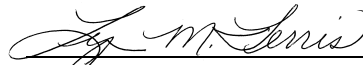
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it closed the Petitioner's FAP case effective April 1, 2017, due to incarceration.

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

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:

1. The Department shall reinstate the Petitioner's FAP benefits and EBT Bridge card access effective as of the date of closure.
2. The Department shall issue the Petitioner a FAP supplement for FAP benefits the Petitioner was otherwise entitled to receive, if any, in accordance with Department policy.

LMF/jaf



---

**Lynn M. Ferris**  
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

**Petitioner**



**DHHS**

Wayne (15)

BSC4  
M Holden  
D Sweeney  
L M Ferris  
MAHS