



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS  
DIRECTOR

[REDACTED]

Date Mailed: May 14, 2021  
MOAHR Docket No.: 21-001961  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm**

### **HEARING DECISION**

On April 2, 2021, Petitioner, [REDACTED], requested a hearing to dispute the termination of his Food Assistance Program (FAP) benefits. As a result, a hearing was scheduled to be held on May 12, 2021, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented himself. Respondent, Department of Health and Human Services (Department), had Garilee Janofski, Hearings Coordinator, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. An 84-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

### **ISSUE**

Whether the Department properly terminated Petitioner's FAP benefits, effective April 1, 2021?

### **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 19, 2021, the Michigan Office of Administrative Hearings and Rules issued a Hearing Decision for Intentional Program Violation. The Hearing Decision found that Petitioner committed an intentional program violation, and it held that he was subject to a 12-month disqualification from FAP.
2. The Department received the Hearing Decision and implemented the disqualification by terminating Petitioner's FAP benefits, effective April 1, 2021.

3. On March 23, 2021, the Department mailed a notice of case action to Petitioner to notify him that his FAP benefits were going to be closed effective April 1, 2021, because Petitioner had an intentional program violation disqualification.
4. On April 2, 2021, Petitioner requested a hearing to dispute the termination of his 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) 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 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 is disputing the termination of his FAP benefits. The Department terminated Petitioner's FAP benefits after a Hearing Decision found that Petitioner committed an intentional program violation and held that he was subject to a 12-month disqualification from FAP. An individual who has been found to have committed an intentional program violation through an administrative hearing is ineligible to receive FAP benefits for 12 months for a first violation. 7 CFR 273.16(b)(1). Since Petitioner was found to have committed an intentional program violation through an administrative hearing, Petitioner was ineligible to receive FAP benefits for the duration of his disqualification period, and the Department properly implemented the disqualification period by terminating 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 its policies and the applicable law when it terminated Petitioner's Food Assistance Program benefits.

IT IS ORDERED, the Department's decision is **AFFIRMED**.

JK/cc



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**Jeffrey Kemm**  
Administrative Law Judge

**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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

**Via Email:**

MDHHS-Gratiot-Hearings  
BSC1-HearingDecisions  
D. Sweeney  
M. Holden  
MOAHR

**Petitioner- Via USPS:**

