



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: December 12, 2022
MOAHR Docket No.: 22-005241
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, a telephone hearing was held on December 8, 2022, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Sherry Willman and Brian Roedema.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for 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. On ██████████ ■ ██████████ the Department received Petitioner's application for Food Assistance Program (FAP) benefits as a household of one. Exhibit A, pp 8-25.
2. On December 1, 2010, Petitioner pleaded guilty to Attempted Food Stamp Fraud Over \$250. Exhibit A, p 34.
3. On December 1, 2010, Petitioner was convicted of Attempted Food Stamp Fraud for trafficking \$864.86 of Food Assistance Program (FAP) benefits and her sentence included a lifetime disqualification from the Food Assistance Program (FAP). Exhibit A, p 37.
4. On November 2, 2022, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits. Exhibit A, pp 39-42.
5. On ██████████ ■ ██████████ the Department received Petitioner's verbal request for a hearing protesting the denial of her Food Assistance Program (FAP) application. Exhibit A, pp 4-7.

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 funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq*, and Mich Admin Code, R 400.3001 through 400.3011.

The Department will disqualify an active or inactive FAP recipient who is found by a court to have trafficked FAP benefits. The standard disqualification period is used in all instances except when a court orders a different period. Department of Health and Human Services Bridges Administrative Manual (BAM) 720 (October 1, 2017), p 16.

The Department will apply disqualification periods when a recipient is convicted by a state or federal court to a lifetime period for trafficking FAP with a value of \$500 or more. BEM 720, p 18.


Petitioner applied for FAP benefits on November 1, 2022, as a household of one. The hearing record supports a finding that Petitioner knowingly pleaded guilty to Attempted Food Stamp Fraud Over \$250 and was given a lifetime disqualification from FAP. Therefore, the Department denied Petitioner's FAP application.

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 Petitioner's application for Food Assistance Program (FAP) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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

