



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: February 8, 2024
MOAHR Docket No.: 23-009184
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a hearing was held by telephone on February 1, 2024. Petitioner was present and represented by [REDACTED] his authorized hearing representative (AHR). The Department of Health and Human Services (Department) was represented by Princess Ogundipe, Assistant Payments Supervisor.

ISSUE

Did the Department properly deny Petitioner's application for Food Assistance Program (FAP) benefits due to an Intentional Program Violation (IPV) disqualification?

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 June 14, 2023, Administrative Law Judge Kevin Scully of the Michigan Office of Administrative Hearings and Rules (MOAHR) issued a Hearing Decision for Intentional Program Violation in MOAHR Docket No. 22-005316, finding that Petitioner had committed an IPV and ordering that he be disqualified from FAP for a period of twelve (12) months. The Hearing Decision was mailed to all parties. (Exhibit A, pp. 34 – 39).
2. On June 20, 2023, the Department sent Petitioner and Intentional Program Violation Client Notice notifying him that, because of the Hearing Decision, he

would be disqualified from FAP from July 1, 2023 to June 30, 2024 (Exhibit A, pp. 26-28).

3. On [REDACTED] 2023, Petitioner submitted an application for FAP and medical benefits to the Department. (Exhibit A, pp. 18 – 24).
4. On November 8, 2023, the Department issued a Notice of Case Action denying Petitioner FAP benefits due to the IPV disqualification. (Exhibit A, pp. 14 – 15).
5. On December 11, 2023, Petitioner requested a hearing on the Department's denial of 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.

Petitioner submitted an application for FAP and medical assistance to the Department on [REDACTED] 2023. (Exhibit A, p. 18). When it processed Petitioner's application, the Department identified Petitioner as being subject to an active IPV disqualification. (Exhibit A, p. 15). The Department notified Petitioner of his disqualification (Exhibit A, p. 14) and Petitioner requested a hearing. (Exhibit A, p. 5).

Once an IPV has been established following an administrative hearing, policy states that the individual is disqualified for a standard period of time, depending on how many times the individual is found to have committed an IPV. BAM 720 (October 2017), p. 16. The first time an individual is disqualified for an IPV, the standard period of disqualification is one year. BAM 720, pp. 16 – 17. A disqualified individual is ineligible for program benefits for the period of disqualification. BEM 212 (January 2022), pp. 8-9; Bridges Policy Glossary (BPG) (January 2022), p. 21.

Here, Petitioner was found to have committed an IPV in the Hearing Decision in MOAHR Docket No. 22-005316 issued on June 14, 2023. (Exhibit A, p. 35). Petitioner was disqualified for a period of twelve (12) months as a result of that finding. (Exhibit A, p. 38). Petitioner had thirty (30) days from the date of the Order in MOAHR Docket No. 22-005316 to request a rehearing or reconsideration of Judge Scully's decision from MOAHR or appeal the Order in circuit court. No evidence was presented that Petitioner

requested a rehearing or reconsideration or appealed the decision to circuit court. Therefore, no evidence was presented that Petitioner's IPV disqualification was overturned or modified.

Because Petitioner was disqualified from FAP due to the IPV until July 1, 2024, he remains ineligible from receiving FAP benefits for the duration of the disqualification period.

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 [REDACTED] 2023 FAP application based on the IPV disqualification.

DECISION AND ORDER

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

CML/ml

Caralyce M. Lassner
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 Electronic Mail:

DHHS

Jared Ritch

Oakland County Pontiac-Woodward Dist.

51111 Woodward Ave 5th Floor

Pontiac, MI 48342

MDHHS-Oakland-District-IV-Hearings@michigan.gov

Interested Parties

BSC4

M Holden

B Cabanaw

N Denson-Sogbaka

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Authorized Hearing Rep.

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]