



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
DIRECTOR

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Date Mailed: June 14, 2024
MOAHR Docket No.: 24-005545
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on June 13, 2024. Petitioner, ██████████, appeared and represented himself. Sarah Estes, Hearings Facilitator, appeared on behalf of Respondent, Department of Health and Human Services (Department).

A 73-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly deny Petitioner's ██████████ 2024, Food Assistance Program (FAP) application for 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 ██████████ 2024, Petitioner applied for FAP benefits. Exhibit (Ex.) A, pp. 7-13.
2. Petitioner was found to have an IPV sanction for FAP and subject to a 10-year disqualification beginning May 1, 2015, through April 30, 2025. *Id.* at p. 23.
3. The Department denied Petitioner's ██████████ 2024, FAP application due to Petitioner's disqualification. *Id.* at p. 26.
4. On March 26, 2024, the Department mailed a notice of case action to Petitioner to notify Petitioner that Petitioner's application for FAP benefits was denied because Petitioner had an IPV disqualification. *Id.* pp. 25-28.

5. On May 10, 2024, Petitioner requested a hearing to dispute Petitioner's FAP application denial. *Id.* pp. 4-5.

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 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 Petitioner's FAP application denial due to an IPV disqualification. The Department denied Petitioner's FAP application because Petitioner had been found to be subject to an IPV disqualification beginning May 1, 2015, to April 30, 2025. *Id.* at p. 23, 25-28. An individual subject to an IPV disqualification is ineligible to participate in FAP for the duration of the disqualification. 7 CFR 273.16(b). In this case, Petitioner was disqualified for 10 years beginning May 1, 2105. Ex. A, pp. 23-24. Since Petitioner was disqualified, and since Petitioner was the only member of Petitioner's group, the Department properly denied Petitioner's FAP benefit application.

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 denied Petitioner's [REDACTED] 2024, application for FAP benefits.

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

DH/pt



Danielle R. Harkness
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

Janice Collins
Genesee County DHHS Union St District Office
125 E. Union St 7th Floor
Flint, MI 48502
MDHHS-Genesee-UnionSt-Hearings@michigan.gov

Interested Parties

BSC2
M Holden
B Cabanaw
N Denson-Sogbaka
MOAHR

Via-First Class Mail:

Petitioner

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