

**DEPARTMENT  
POLICY****Family Independence Program (FIP), Refugee Cash Assistance (RCA) State Disability Assistance (SDA) and Food Assistance Program (FAP)**

People who have been convicted of certain crimes and probation or parole violators are not eligible for assistance.

Policy to establish intentional program violations (IPV) disqualifications and overissuances is found in Bridges Administrative Manual (BAM) 700, Benefit Overissuances and BAM 720, Intentional Program Violation.

**DUPLICATE  
RECEIPT OF  
ASSISTANCE****FIP**

A person is disqualified for a period of 10 years beginning with the date of conviction if convicted in court of having made a fraudulent statement or representation regarding their residence in order to receive assistance simultaneously from two or more states under any of the following programs:

- State programs funded under Title IV-A of the Social Security Act (known as Temporary Assistance for Needy Families (TANF) in the Social Security Act; known as FIP in Michigan);
- Medical Assistance (MA), FAP, or Social Security Income (SSI).

**FAP**

A person is disqualified for a period of 10 years if found guilty through the administrative hearing process, convicted in court or by signing a repayment and disqualification agreement (such as a DHS-826, Request for Waiver of Disqualification Hearing, or DHS-830, Disqualification Consent Agreement,) of having made a fraudulent statement or representation regarding his identity or residence in order to receive multiple FAP benefits simultaneously.

---

**PROBATION AND  
PAROLE  
VIOLATORS****FIP, RCA, SDA**

A person who is violating a condition of probation or parole imposed under a federal or state law is disqualified.

The person is disqualified as long as the violation occurs.

A person is considered to be violating probation or parole if the Michigan Department of Health and Human Services (MDHHS) is made aware that the individual is in violation of a condition of probation or parole imposed under federal or state law.

**FAP**

A person is disqualified because of a probation or parole violation if all the following conditions are met:

- MDHHS verifies with law enforcement, the courts or the MDOC that the individual is found to be violating a condition of probation or parole imposed under federal or state law.
- The individual is absconding from supervision; see BPG Glossary for definition of absconding.
- Federal, state, or local law enforcement, or Michigan Department of Corrections authorities are actively seeking the individual to enforce the conditions of the probation or parole.

Actively seeking means one of the following:

- A Federal State, or local law enforcement agency informs MDHHS that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within 20 days of submitting a request for information about the individual to MDHHS.
- A Federal, State or local law enforcement agency presents a felony arrest warrant or to arrest an individual for a probation or parole violation within 20 days.
- A Federal, State, or local law enforcement agency states that it intends to arrest an individual for a probation or parole violation within 30 days of the date of a request

from MDHHS about a specific probation or parole violation.

If the law enforcement agency indicates it does intend to arrest the individual for the probation or parole violation within 20 days of the contact with MDHHS or 30 days of the date of the MDHHS's request for information, MDHHS will postpone taking any action on the case until the appropriate 20 or 30 day period has expired.

Once the 20 or 30 day period has expired, MDHHS shall verify with the law enforcement agency whether it has attempted to arrest the probation or parole violator. If it has, MDHHS shall take appropriate action to deny an applicant or terminate an individual who has been determined to be a probation or parole violator. If the law enforcement agency has not taken any action within 20 or 30 days, MDHHS will not consider the individual a probation or parole violator.

The person is disqualified as long as the violation occurs and until the Michigan Department of Corrections notifies MDHHS the individual is no longer absconding or until Federal, State or local law enforcement is no longer actively seeking the individual.

Any disqualification will only be entered by central office staff.

## DRUG-RELATED FELONY

### FIP, RCA and FAP

#### 1st Offense

A person who has been convicted of a felony for the use, possession, or distribution of controlled substances is disqualified if:

- Terms of probation or parole are violated, **and**
- The qualifying conviction is for conduct which occurred after August 22, 1996.

If an individual is not in violation of the terms of probation or parole:

- FIP benefits must be paid in the form of restricted payments.
- Receipt of FAP benefits requires an authorized representative.

---

## 2nd Offense

An individual convicted of a felony for the use, possession, or distribution of controlled substances two or more times in separate periods will be permanently disqualified if both convictions were for conduct which occurred after August 22, 1996.

**Example:** Sue Davis was found to have a conviction for the possession of a controlled substance on September 1, 1996 for conduct that occurred on May 1, 1996. Since the occurrence was before August 22, 1996, the client would not have a drug-related felony.

**Example:** Matthew Doe was found to have convictions for the use of a controlled substance on April 1, 2012 and for the distribution of a controlled substance on April 1, 2012. This would count as one conviction since it is on the same day. Policy for the 1st offense for a drug-related felony will be followed.

**Example:** Mary Smith was found to have a conviction for the possession of a controlled substance on February 1, 2012. Later, she was then convicted for the use and possession of a controlled substance on July 8, 2012. This would count as two convictions because they happened on different dates. Policy for a 2nd offense will be followed.

## INTENTIONAL PROGRAM VIOLATION

### FIP and FAP

A person is disqualified from receiving benefits for the duration of their penalty period when any of the following have occurred:

- An administrative hearing decision has determined the person was found to have committed an IPV.
- A disqualification agreement has been signed agreeing to an IPV disqualification.
- A court decision has found the person to be guilty of an IPV.

See, BAM 700, Benefit Overissuances and BAM 720, Intentional Program Violation, for definitions (including trafficking) and for standard and non-standard disqualification penalty periods.

**LEGAL BASE****FIP**

42 USC 608 (a)(8) and (9)  
PA 280 of 1939, as amended  
PA 109 of 1997  
21 USC 862a(1)  
Section 619 of the Michigan Appropriations Act

**SDA**

MDHHS Annual Appropriations Act  
Mich Admin Code, R 400.3151 – 400.3180

**FAP**

Food and Nutrition Act of 2008, as amended  
PA 294 of 1998, sect. 621  
7 CFR 273.11 (c)(1), (n)(1), (2) and (3)  
21 USC 862a(1)  
Section 619 of the Michigan Appropriations Act