

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

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

Policy for 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 and FAP

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.

## DRUG-RELATED FELONY

### FIP 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 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 offenses occurred after August 22, 1996.

**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.

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**FAP TRAFFICKING****FAP**

A person is disqualified from FAP when an administrative hearing decision, a repayment and disqualification agreement or court decision determines FAP benefits were trafficked or attempted to have been trafficked. These FAP trafficking disqualifications are a result of the following actions:

- Fraudulently using, transferring, altering, acquiring, or possessing coupons, authorization cards, or access devices; or
- Redeeming or presenting for payment coupons known to be fraudulently obtained or transferred.

The length of the disqualification period depends on the dollar amount of the FAP benefits trafficked. A person is disqualified for life for a FAP trafficking conviction of \$500 or more. The standard IPV disqualification period is applied to FAP trafficking convictions less than \$500. See Disqualification in BAM 720, Intentional Program Violation.

A person is disqualified for life if convicted in court of trading FAP to acquire firearms, ammunition or explosives.

A person is disqualified if convicted in court of trading FAP in order to acquire illegal drugs. The disqualification period is two years for the first conviction. The second conviction results in a lifetime disqualification.

**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

**CDC**

Child Care and Development Block Grant of 1990  
45 CFR Parts 98 and 99  
Social Security Act, as amended  
Mich Admin Code, R 400.5001 - 400.5020

**FAP**

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

**SER**

Mich Admin Code, R 400.7001 *et seq.*