

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],  
Claimant

Reg. No: 2010-15007  
Issue No: 3008  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
March 24, 2010  
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on March 24, 2010.

ISSUE

Was the claimant's FAP application properly denied?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant applied for FAP in Oakland County.
- (2) Claimant was a college student with student status.
- (3) Claimant is not a FIP recipient.
- (4) Claimant's application for FAP was denied, ostensibly because claimant failed to return adequate verifications.

- (5) Claimant requested a hearing on December 23, 2009.

CONCLUSIONS OF LAW


The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

While claimant may or may not have turned in required verifications, after a hearing into the matter, the undersigned is of the opinion that the question is ultimately moot. Claimant admitted during the hearing to meeting all the requirements of student status as stated in BEM 245. FAP applicants who have student status must fulfill several different criteria before becoming eligible for FAP benefits. One of these criteria is that a claimant must be receiving FIP benefits. Claimant is not receiving FIP benefits. Furthermore, after review, it does not appear that claimant meets any of the other requirements for FAP approval in student status. Therefore, as claimant has student status, and is not receiving FIP benefits, BEM 245 states that claimant is ineligible for FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's FAP application was correct.

Accordingly, the Department's decision in the above stated matter is, hereby,  
AFFIRMED.

  
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Robert J. Chavez  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: April 27, 2010

Date Mailed: April 27, 2010

**NOTICE:** Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

RJC/dj

cc:

