

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: 2010-17926
Issue No: 3016
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 10, 2010
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 telephone hearing was held on March 10, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's Food Assistance Program (FAP) application in January, 2010?

FINDINGS OF FACT

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

1. The claimant submitted an Assistance Application (DHS-1171) on January 19, 2010, requesting FAP benefits. (Department Exhibit 4 – 21).

2. The claimant reported that he was a student attending [REDACTED] [REDACTED] to get a Master's degree, with no income. (Department Exhibit 4 – 21).

3. The department denied the claimant's application for FAP benefits on January 20, 2010 because he did not meet the policy criteria for student status.

4. The claimant submitted a hearing request on January 25, 2010.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department policy indicates that a person considered in "student status" is only eligible for FAP benefits if certain criteria are met. BEM 245. Student status means that the claimant is between ages 18 through 49 and enrolled half-time or more in a college or university. BEM 245. The claimant is in student status as he is 25 years old and currently enrolled half-time or more at Western Michigan University for a Master's degree.

To be eligible to receive FAP benefits while in student status, the claimant must meet one of the criteria listed in department policy. BEM 245. The claimant does not meet any of the criteria to be considered eligible for FAP benefits in student status. The claimant is not receiving FIP; is not in a training program; is not unfit for employment; is not employed and has no dependents. BEM 245. Thus, the department properly denied the claimant's application 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 properly determined the claimant is not eligible to receive FAP benefits and properly denied his application for FAP benefits in January, 2010.

Accordingly, the department's actions are UPHeld. SO ORDERED.

/S/
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 6, 2010

Date Mailed: April 15, 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.

SLK 

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