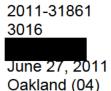
STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No. Issue No. Case No. Hearing Date:



ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Admi nistrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37, and Claim an accurate request for a hearing. After due notice, a telephone hearing was held on June 27, 2011. The Claimant appeared and testified at the hearing. Assistance Payments Supervisor, appeared and testified for the Department of Human Services (DHS).

ISSUE

Whether Claimant's eligibil ity for Food Assistanc e Pr ogram (FAP) benefits was determined in accordance with DHS policies and procedures?

FINDINGS OF FACT

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

- 1. In 2010, DHS provided FAP benefits to Claimant.
- 2. In November, 2010, DHS conducted a Redetermination of CI aimant's benefit status, and requested current income information.
- 3. On December 2, 2010, Claimant informed DHS he was a full-time student with no earned income.
- 4. On April 18, 2011, DHS i ssued a Notice of Case Action closing Claimant's FAP benefits effective May 1, 2011.

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5. On April 25, 2011, Claimant filed a Request for a Hearing with DHS.

CONCLUSIONS OF LAW

FAP was established by the U.S. Food Stamp Act of 1977 and is implemented by Federal regulations c ontained in Title 7 of administers FAP pursuant to MCL 400.10 *et seq*. a nd Michigan Administ rative Code Rules 400.3001-400.3015. Department policies are found in Br idges Adm inistrative Manual (BAM), Bridges Eligib ility Manual (BEM) and Reference Tables (RF T). These manuals are available online at <u>www.michigan.gov/dhs-manuals</u>.

While previously Claimant may have been eligible f or FAP as a student, a recent change has occurred in BEM 245, "School Attendance and Student Status." The change in policy does not permit full-time students to receive F AP benefits unless they qualify for some ot her reason such as mental or physical incapac ity for work, participation in an appr oved work-study program, or pr oviding more than half of the physical care of a group member under the age of six. BEM 245, pp. 3-4.

In conclusion, based on the findings of fact and conclusions of law, I find and conclude that DHS c orrectly denied F AP benefits to Cla imant based on his stat us as a student. DHS is AFFIRMED. DHS need take no further action in this case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, states that DHS is AFFIRMED in this case. DHS need take no further action in this matter.

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Jan Leventer Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: June 28, 2011

Date Mailed: June 28, 2011

NOTICE: Administrative Hearings may or der a rehearing or reconsideration on either its own motion or at t he request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hear ings will not orde r a rehearing or

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reconsideration on the Department's mo tion where the final decis ion 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JL/cl

