

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

IN THE MATTER OF:



Reg. No. 2011-31861
Issue No. 3016
Case No. [REDACTED]
Hearing Date: June 27, 2011
Oakland (04)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

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

ISSUE

Whether Claimant's eligibility for Food Assistance Program (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 Claimant'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 issued a Notice of Case Action closing Claimant's FAP benefits effective May 1, 2011.

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 contained in Title 7 of the Code of Federal Regulations. DHS administers FAP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3001-400.3015. Department policies are found in Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM) and Reference Tables (RT). These manuals are available online at www.michigan.gov/dhs-manuals.

While previously Claimant may have been eligible for 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 FAP benefits unless they qualify for some other reason such as mental or physical incapacity for work, participation in an approved work-study program, or providing 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 correctly denied FAP benefits to Claimant based on his status 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.



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 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

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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.

JL/cl

cc:

