

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-46058
Issue No.: 3016
Case No.: [REDACTED]
Hearing Date: August 29, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Susan Burke

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 August 29, 2011 in Detroit, Michigan. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED] Assistance Payments Supervisor, and [REDACTED] ES.

ISSUE

Was the Department correct in its decision to close Claimant's Food Assistance Program (FAP) case due to student status?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient in a household of two, consisting of Claimant and her daughter, whose date of birth is [REDACTED]
2. Claimant attended college full time and was not employed.
3. Claimant's daughter attended college full time and was not employed.
4. The Department closed Claimant's FAP case on May 27, 2011 due to student status.
5. Claimant requested a hearing, on July 29, 2011, protesting the FAP closure.

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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to CML 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).

BEM 245, p. 3 instructs that in order for a student attending college to be eligible for FAP, the student must be employed for at least twenty hours per week and be paid for such employment.

In the present case, Claimant did not deny at the hearing that both she and her daughter [REDACTED] attended college full time at the time of FAP closure and that neither Claimant or her daughter were employed for twenty hours per week. Claimant did not claim to otherwise meet the criteria listed in BEM 245, such as being physically or mentally unfit for employment or participating in a work study program. Therefore, the Department was correct in its decision to close Claimant's FAP case based on student status.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law decides that the Department was correct in its decision to close Claimant's FAP case due to student status, and it is therefore ORDERED that the Department's decision is AFFIRMED.


Susan Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 9/1/11

Date Mailed: 9/1/11

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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 of the rehearing decision.

SB/sm

cc:

