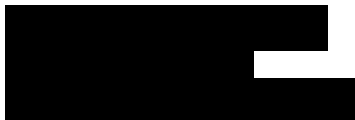


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2012-2210
Issue No: 3016/2001
Case No: [REDACTED]
Hearing Date:
July 19, 2011
Bay County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 received on September 21, 2011. After due notice, a telephone hearing was held on November 2, 2011. Claimant personally appeared and testified.

ISSUE

Did the department properly deny Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) application due to Claimant's student status?

FINDINGS OF FACT

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

1. On August 29, 2011, Claimant applied for FAP and MA.
2. On September 1, 2011, the department mailed Claimant a Notice of Case Action, advising Claimant that, effective August 29, 2011, Claimant's FAP application case would be denied for the reason that Claimant does not meet the criteria for eligibility due to his student status. (Hearing Summary).
3. On September 21, 2011, the department received Claimant's hearing request, protesting the denial of his FAP and MA application. (Request for a Hearing)

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 Reference Tables Manual (RFT).

Effective April 1, 2011, clients in student status are no longer eligible to receive FAP benefits based solely on an approved education plan. A person is in student status if the person is 18 through 49 years old and enrolled half-time or more in a: (i) vocational, trade, business, or technical school that normally requires a high school diploma or an equivalency certificate; or a regular curriculum at a college or university that offers degree programs regardless of whether a diploma is required. BEM 245.

In this case, Claimant testified that he was homeless and had just registered to begin classes in January. The department representative explained that Claimant just had to sign up to take one class and that made him ineligible to receive FAP based on his status as a student.

However, BEM 245 defines student status as “a person is in student status if the person is 18 through 49 years old and enrolled half-time or more.” Claimant is not currently enrolled in classes and has registered for 4 credits, which is less than half-time. Therefore, Claimant does not meet the definition of “student status.”

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or Department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant also applied for MA benefits under the AMP category. Enrollment in AMP was currently frozen to new enrollments when the Claimant submitted his application. Applications received during the freeze on AMP enrollments must be registered and denied using “applicant did not meet other eligibility requirements” as the denial reason. BEM 640.

This Administrative Law Judge finds that, based on the material and substantial evidence presented during the hearing, the department properly denied Claimant’s MA/AMP application and improperly denied Claimant’s FAP application, because he does not meet the definition of student status.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied Claimant's AMP benefits due to the freeze on AMP enrollments and improperly denied Claimant's FAP application.

Accordingly, the department's actions regarding his AMP application are UPHeld and the department's actions regarding his FAP application are REVERSED. The department SHALL redetermine Claimant's FAP eligibility because he does not meet student status criteria.

It is SO ORDERED.

/s/

Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 11/4/11

Date Mailed: 11/4/11

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 90 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.

VLA/ds

