

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201326676
Issue No: 3016
Case No: [REDACTED]
Hearing Date: March 5, 2013
Wayne County DHS #76

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

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 5, 2013. The claimant appeared and provided testimony. The department witnesses were [REDACTED] and [REDACTED].

ISSUES

Did the department properly exclude the claimant's son, DB, from the Food Assistance Program (FAP) due to ineligible 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. The department mailed a Verification of Employment (DHS-3503) on January 11, 2013, requesting employment/income information for the Claimant and her son, [REDACTED] by January 22, 2013.
2. The department mailed the Claimant a Notice of Case Action (DHS-1605) on January 25, 2013, indicating that her FAP would close for failure to provide the proper verifications.
3. At a pre-hearing conference, the department discovered that the information requested in the verification had indeed been provided by the due date and the Claimant's FAP case was reinstated. However, the claimant's son, [REDACTED], continued to be excluded from the case as an ineligible student.
4. At hearing, the Claimant testified that her son works 40 hours per week and attends school half-time. Pay check stubs had previously been

provided, which would verify the Claimant's contention that her son works more than the required 20 hours to make him an eligible student.

5. The department agreed to process the case back to February 1, 2013 and add Claimant's son back into the FAP group if he is an eligible student.

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 Bridges Reference Table (RFT).

MCL 24.278(2) provides a disposition may be made of a contested case by stipulation or agreed settlement. In this case, the department agreed to reprocess the claimant's FAP case back to February 1, 2013, in light of claimant's statement that her son is working 40 hours per week as a part-time student. BEM 245 indicates that a person in student status is not eligible for FAP benefits unless they meet certain criteria. One of the listed criteria is working 20 hours of more of paid work per week. The department representatives indicated that it is possible that Bridges denied the claimant's son, [REDACTED], although he was an eligible student. Therefore, they agreed to reconsider [REDACTED]'s eligibility to see if he is an eligible student and if he is, he will be added back into the FAP program group and retroactive benefits will be issues.

The claimant and department agreed that this resolved the issue.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not properly exclude the claimant's son, DB, from the Food Assistance Program (FAP) due to ineligible student status.

Accordingly, the department's actions are **REVERSED**. The department shall process the claimant's son's (DB) eligibility for the FAP case back to February 1, 2013, considering if he is an eligible student in light of his work schedule that is alleged to be 40 hours weekly. If he is an eligible student, the department will add him back into the FAP program group back to February 1, 2013 and issue any retroactive benefits. It is SO ORDERED.

/s/

Suzanne L. Morris
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 7, 2013

Date Mailed: March 8, 2013

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 mailing 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
- the failure of the ALJ to address other relevant issues in the hearing decision.

201326676/SLM

Request must be submitted through the local DHS office or directly to MAHS by mail at

Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

SLM/cr

cc:

