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

IN THE MATTER OF:



Reg. No.: 201341206

Issue No.: 3014

Case No.:

Hearing Date: May 16, 2013 County: Macomb 20

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on May 16, 2013, from Lansing Michigan. Participants on behalf of Claimant included and her Participants on behalf of Department of Human Services (Department) included Eligibility Specialist (ES),

<u>ISSUE</u>

Did the Department properly take action when determining that the Claimant's son be excluded from her Food Assistance Program (FAP) group because he is an ineligible student?

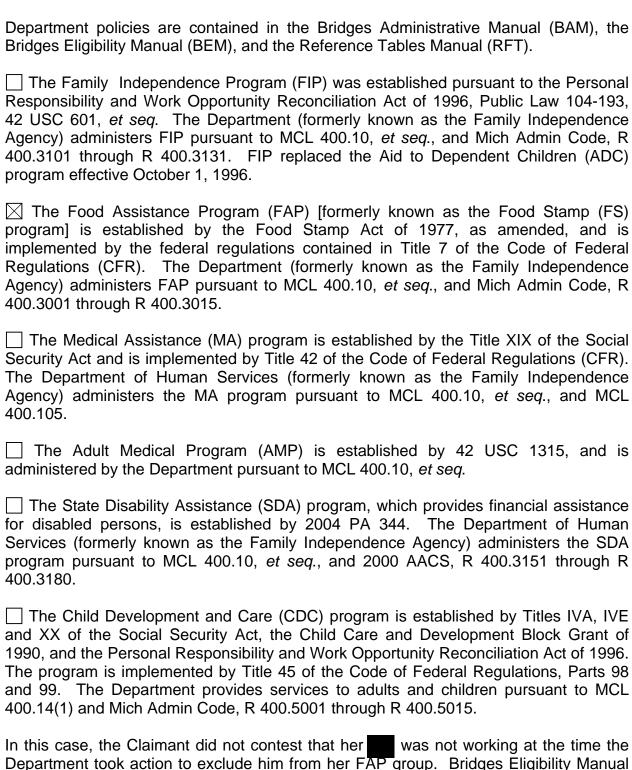
FINDINGS OF FACT

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

- The Claimant is an ongoing recipient of monthly FAP benefits.
- 2. On April 5, 2013, the Claimant informed her ES that her and that he is not employed.
- 3. On April 5, 2013, the Department sent the Claimant a DHS-1605, Notice of Case action informing the Claimant that her was not eligible for FAP benefits as he is an ineligible would therefore be reduced.

4. On April 11, 2013, the Department received the Claimant's written hearing request protesting the reduction in her monthly FAP benefits.

CONCLUSIONS OF LAW



(BEM) 245 (2013) p. 3, in pertinent part, enumerates the criterion for eligibility for FAP for a person in student status. The evidence in this case indicates that the Claimant's does not meet any of those criterions; specifically that he does not work 20 or more hours a week. The Claimant indicated that this has now changed and that she believes her will be working in excess of 20 hours per week. The Department's ES testified that if the Claimant could verify that, her son could again be included in the FAP Group. The Administrative Law Judge determines that when the Department took action to exclude the Claimant's from her FAP group, the Department was acting in accordance with its policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusion of Law finds that the Department \boxtimes did act properly when taking action to exclude the Claimant's son from her FAP group. \square did not act properly.	
Accordingly, the Department's AMP FIP FAP MA SDA CDC decis SAFFIRMED REVERSED.	ion
/s/ Susanne E. Hai Administrative Law Jud for Maura Corrigan, Direct Department of Human Service	dge ctor
Date Signed: 5/20/13	,03

Date Mailed: 5/20/13

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

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

- A rehearing <u>MAY</u> 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.

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

SEH/tb

