

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201341232
Issue No.: 3016
Case No.: [REDACTED]
Hearing Date: May 15, 2013
County: Oakland County (3)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 15, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) benefits due to his ineligible 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 applied for benefits for: received benefits for:

<input type="checkbox"/> Family Independence Program (FIP).	<input type="checkbox"/> Adult Medical Assistance (AMP).
<input checked="" type="checkbox"/> Food Assistance Program (FAP).	<input type="checkbox"/> State Disability Assistance (SDA).
<input type="checkbox"/> Medical Assistance (MA).	<input type="checkbox"/> Child Development and Care (CDC).
2. On February 12, 2013, the Department sent Claimant a redetermination. Exhibit 1.
3. On February 25, 2013, Claimant submitted a completed redetermination to the Department. Exhibit 1.
4. On March 15, 2013, the Department sent a Notice of Case Action notifying Claimant that his FAP benefits closed effective April 1, 2013, ongoing, due to an ineligible student. Exhibit 1.

5. On April 12, 2013, Claimant requested a hearing protesting the closure of his FAP benefits. Exhibit 1.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3001 through Rule 400.3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, Rule 400.3151 through Rule 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

For FAP cases, a person enrolled in a post-secondary education program may be in student status. BEM 245 (January 2013), p. 1. A person in student status must meet certain criteria in order to be eligible for assistance. BEM 245, p. 1. For FAP cases, a person is in student status if he/she is: (i) age 18 through 49 and (ii) enrolled half-time or more in a vocational trade, business, or technical school that normally requires a high

school diploma or an equivalency certificate or the student is in a regular curriculum at a college or university that offers degree programs regardless of whether a diploma is required. BEM 245, pp. 2-3.

In order for a person in student status to be eligible for FAP benefits, they can be employed for at least 20 hours per week and paid for such employment. BEM 245, p. 3. The school determines the level of enrollment (such as full-time, half-time, or part-time); attendance compliance; and suspensions (such as reasons for/duration). BEM 245, p. 4.

In this case, on February 12, 2013, the Department sent Claimant a redetermination. Exhibit 1. On February 25, 2013, Claimant submitted a completed redetermination to the Department. Exhibit 1. Claimant indicated on the redetermination that he was attending community college full-time. Exhibit 1. Claimant also notated on the redetermination that he was working 16 hours a week. Based on this information, the Department determined that Claimant was in student status; however, he worked less than 20 hours per week. Thus, on March 15, 2013, the Department sent a Notice of Case Action notifying Claimant that his FAP benefits closed effective April 1, 2013, ongoing, due to Claimant being considered an ineligible student. Exhibit 1.

At the hearing, Claimant testified that, at the time of redetermination, he was attending community college. Moreover, Claimant testified that he went to three classes which totaled 11 credits. Claimant also understood that he indicated on the redetermination that he worked less than 20 hours per week.


Based on the foregoing information and evidence, the Department properly closed Claimant's FAP benefits. At the time of redetermination, Claimant was in student status due to him attending community college. BEM 245, pp. 1-4. However, Claimant was ineligible for FAP benefits because he was not employed for at least 20 hours per week. BEM 245, pp. 1-4. Claimant indicated on the redetermination that he was only working 16 hours per week. Thus, the Department did act in accordance with Department policy when it closed Claimant's FAP benefits effective April 1, 2013, ongoing, due to him not being an eligible student. BEM 245, pp. 1-4.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated above and on the record.


Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 21, 2013

Date Mailed: May 23, 2013

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 **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 affect the substantial rights of the claimant:
 - 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

EJF/pf

cc:

