

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

IN THE MATTER OF:



Reg. No.: 2013 41949
Issue No.: 3008
Case No.:
Hearing Date: May 16, 2013
County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included Tajuana Benjamin, Assistance Payments Worker, and Fatima Willis, Assistance Payments Supervisor.

ISSUE

Did the Department properly deny Claimant's application close Claimant's case 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)? |

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 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) |

On May 1, 2013, the Department

denied Claimant's application closed Claimant's case

The Claimant indicated on the application that he was enrolled in school and was attending school full time. Exhibit 2 pp 2.

The Claimant was not working while attending school and indicated in the redetermination that he had no source of income. Exhibit 2 pp2.

The Claimant's hearing request indicated that he was still not employed as of 4/16/13 and that he was studying to get a medical certificate in the United States.

2. On April 11, 2013, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
3. On 8/20/13, Claimant filed a hearing request, protesting the
 denial of the application. closure of the case.

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 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.

Additionally, in this case the Claimant requested a hearing when his FAP (food assistance) case was closed. The Department closed the FAP case when it determined based upon the redetermination completed by the Claimant, that he was not employed 20 hours while attending school. During the hearing the Claimant testified that in the past he had taken online classes at Kaplan, but was not attending Kaplan now. Claimant also testified that he had was studying to become certified in the United States, but it did not appear that his studies were part of a full or part time course associated with college or other learning insituion. Additionally the Claimant indicated that he received income sporadically from his brother, but he provided no proof of his earnings or hours at the hearing, and this testimony is inconsistent with the redetermination, where Claimant indicated that his household had no income, and his hearing request where he indicates that he is still unemployed. Exhibits 1 and 2.

The Department closed the Claimant's case on the basis that the Claimant's student status left him ineligible to receive FAP benefits as he indicated on the redetermination

that he attended school full time and the was not working. BEM 245 requires that a student enrolled half time or more in school work at least 20 hours a week to be eligible for FAP benefits. In this case it appears that the Claimant was not enrolled in school and was not working, however, based upon the redetermination that he filed the Department correctly determined that he was no longer eligible for FAP benefits based upon his student status. The Department based its closure action on the representations made in the redetermination. Thus the Department correctly denied the Claimant's application on the basis of his student status. Department of Human Services Bridges Eligibility Manual (BEM) 245, (2011).

The Claimant may reapply for FAP benefits.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

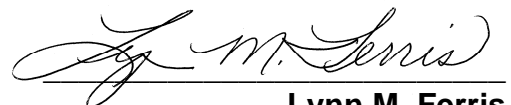
properly denied Claimant's application improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case

for: AMP FIP FAP MA SDA CDC.

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 on the record.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 21, 2013

Date Mailed: May 21, 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 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

LMF/tm

cc:

