

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

**IN THE MATTER OF:**



Reg. No.: 201422496  
Issue No(s):   
Case No.:   
Hearing Date: February 11, 2014  
County: Macomb

**ADMINISTRATIVE LAW JUDGE:** Gary F. Heisler

**HEARING DECISION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on February 11, 2014, from Lansing, Michigan. Participants on behalf of Claimant included himself. Participants on behalf of the Department of Human Services (Department) included . Claimant did not have any Medical Assistance (MA) issues for hearing. The Medical Assistance (MA) portion of this case is dismissed.

**ISSUE**

Did the Department properly reduce Claimant's Food Assistance Program (FAP) benefits beginning February 1, 2014?

**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 was an ongoing recipient of Food Assistance Program (FAP) benefits. Claimant's benefit group consisted of himself, his spouse and four children. Claimant's Food Assistance Program (FAP) was due for eligibility redetermination by February 1, 2014.
2. On January 7, 2014, the Department ran a financial eligibility budget for Claimant's Food Assistance Program (FAP) redetermination. Claimant's verified income was used along with the information reported that one of Claimant's children was a full time college student and was not working. Claimant was sent a Notice of Case Action (DHS-1605) which stated his, now, group of 5 was eligible for per month of Food Assistance Program (FAP) benefits.

3. On January 13, 2014, Claimant submitted a request for hearing.

**CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

In this case Claimant does not dispute that his oldest child is a full time student with no employment. Neither does Claimant dispute the amount of the pay check stubs he submitted as verification. Claimant felt that his oldest child should not be excluded from the group and asserted his verified pay contained some overtime pay.

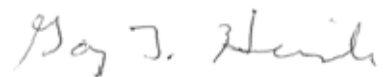
Department of Human Services Bridges Eligibility Manual (BEM) 245 School Attendance and Student Status (2013) pages 3 & 4 state that a full time college student must be employed 20 or more hours per week to be eligible for Food Assistance Program (FAP) benefits.

During this hearing the calculation of Claimant's earned income was checked and found to be correct in the Food Assistance Program (FAP) financial eligibility budget.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it determined Claimant's Food Assistance Program (FAP) eligibility on January 7, 2014.

**DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.



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Gary F. Heisler  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 02/18/2014

Date Mailed: 02/18/2014

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

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

GFH/sw

cc:

