

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

**IN THE MATTER OF:**

██████████  
████████████████████  
████████████████████

Reg. No.: 14 007763  
Issue No(s): 3001, 3003  
Case No.: ██████████  
Hearing Date: August 25, 2014  
County: Wayne (49)

**ADMINISTRATIVE LAW JUDGE:** Jacquelyn A. McClinton

**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 August 25, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and ██████████, Claimant's Authorized Hearing Representative (AHR). Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist.

**ISSUE**

Did the Department properly close Claimant's Food Assistance Program (FAP) benefits?

**FINDINGS OF FACT**

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

1. On June 30, 2014, the Department received Claimant's completed Redetermination in which she indicated that she was attending college and was not employed.
2. On July 2, 2014, the Department conducted a FAP interview with Claimant in which she confirmed that she was attending college and was not employed.
3. The Department notified Claimant that her FAP case would close because she was enrolled in college part time and had no earned income.

4. On July 23, 2014, Claimant filed a Request for Hearing disputing the Department's actions.

### **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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

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 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

On July 23, 2014, Claimant filed a Request for Hearing disputing the Department's actions. Claimant checked the boxes correlating to both Family Independence Benefits (FIP) and Food Assistance Program benefits. Claimant acknowledged that she was not a FIP recipient and had not previously applied for FIP benefits. Therefore, Claimant's Request for Hearing as it relates to FIP benefits is dismissed as there is no issue to resolve.

Additionally, the Department outlines certain criteria that person with in student status must meet to be eligible for FAP benefits. The two that could potentially apply to Claimant are that she must be employed at least 20 hours per week and paid for such employment or have been deemed physically or mentally unfit for employment. BEM (October 245), pp. 3-4. Further, in order to be deemed physically or mentally unfit, the Department must receive:

- Award letter or other verification of eligibility for Retirement, Survivors, and Disability Insurance (RSDI) or Supplemental Security Income (SSI) on the basis of disability.
- Award letter or other verification of eligibility for disability benefits issued by government or private sources.
- Statement from an M.D. or D.O.
- Statement from a psychologist.

Claimant acknowledged that she is not employed 20 hours per week and stated that she has not worked since approximately 2011. Claimant testified that she has Lupus. Claimant's AHR indicated that Claimant was diagnosed approximately five years ago. Claimant has been denied benefits by the Social Security Administration on two occasions. Claimant has not yet applied for State Disability Assistance.

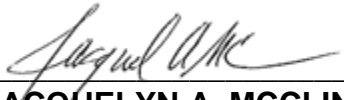
On the Redetermination, Claimant indicated that she had no medical insurance. It does not appear that the Department had been previously placed on notice that Claimant had a disability which may limit her ability to become employed. Additionally, there is no evidence that Claimant submitted any of the documents which would allow her to be deemed physically or mentally unfit. However, if Claimant believes that she is physically unfit for employment and can provide one of the aforementioned documents, she can reapply for FAP benefits. At that point, the Department can determine her eligibility for FAP benefits.

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 policy when it closed Claimant's FAP benefits because she did not work at least 20 hours while enrolled in school and had not met the criteria to be deemed physically or mentally unfit for employment.

### **DECISION AND ORDER**

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

Further, Claimant's Request for Hearing relating to FIP benefits is hereby **DISMISSED**.

  
**JACQUELYN A. MCCLINTON**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: August 28, 2014

Date Mailed: August 28, 2014

**NOTICE OF APPEAL:** A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

JAM/cl

cc:

[REDACTED]