

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-019257
Issue No.: 3001
Case No.: [REDACTED]
Hearing Date: February 05, 2015
County: Kent-District 1

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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, telephone hearing was held on February 05, 2015, from Lansing , Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearing Facilitator, [REDACTED] Family Independence Manager, and [REDACTED], case worker.

ISSUE

Did the Department properly close the 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 October 9, 2014, the Claimant applied for Food Assistance Program (FAP) benefits.
2. The Claimant reported to the Department that she is a full-time college student.
3. The Claimant reported to the Department that she is employed and is working 10 hours per week.
4. On November 19, 2014, the Department notified the Claimant that it would close her Food Assistance Program (FAP) benefits effective January 1, 2015.
5. On December 30, 2014, the Department received the Claimant's request for a hearing protesting the denial of Food Assistance Program (FAP) benefits.

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 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.

A person is in student status if age 18 through 49 and enrolled half-time or more in a vocational, trade, business, or technical school or college or university that offers degree programs regardless of whether a diploma is required. In order for a person in student status to be eligible, they must meet the criteria listed in the student status policy. Department of Human Services Bridges Eligibility Manual (BEM) 245 (July 1, 2014), pp 3-4.

On October 9, 2014, the Claimant applied for Food Assistance Program (FAP) benefits. On the Claimant's application she reported to the Department that she is a full-time college student and that she is working 10 hours per week. On November 19, 2014, the Department notified the Claimant that it would close her Food Assistance Program (FAP) benefits as of January 1, 2015, because she is not eligible to participate in that program.

The Claimant testified that she has been eligible for Food Assistance Program (FAP) benefits in the past. The Claimant testified that she has been mistreated by her caseworker and that her caseworker fails to keep the details of her eligibility for benefits confidential by requiring her to discuss her case in public.

A complaint as to alleged misconduct or mistreatment by a state employee shall not be considered through the administrative hearing process, but shall be referred to the Department personnel director. MAC R 400.903.

The Claimant has the burden of establishing eligibility to receive benefits. The Claimant did not dispute that she is enrolled in a college or university on a half-time basis or more. The Claimant did not dispute that she is not working 20 or more hours per week. The Claimant testified that she is not involved in a work-study program. The Claimant does not receive Family Independence Program (FIP) benefits or care for a minor child in her home.

A student may remain eligible for the Food Assistance Program (FAP) if the student is physically or mentally unfit for employment. BEM 245, p4.

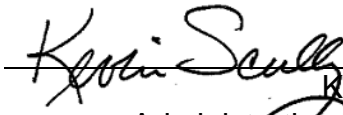
The Department's representative testified that the Claimant was supplied with forms to establish a verified medical basis for determining that she is either physically or mentally unfit for employment. The Claimant failed to return these forms and failed to establish

that she is unfit for employment. The Claimant failed to establish that she has been found to be disabled.

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 that the Claimant is not eligible for the Food Assistance Program (FAP).

DECISION AND ORDER

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



Kevin Scully
Administrative Law Judge
for Nick Lyon, Acting DHS Director
Department of Human Services

Date Signed: **2/6/2015**

Date Mailed: **2/6/2015**

KS/las

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, 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

cc:

