

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2014-22462  
Issue No(s): 3001  
Case No.: [REDACTED]  
Hearing Date: February 12, 2014  
County: SSPC WEST

**ADMINISTRATIVE LAW JUDGE:** Michael S. Newell

**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 12, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Eligibility Specialist.

Claimant applied for FAP benefits on January 6, 2014. Claimant was 34 years old when he applied. On January 6, 2014 sent Claimant a Notice of Case Action denying Claimant's application effective January 6, 2014. Claimant was a part-time college student when he applied, and was not working. Claimant requested hearing on January 14, 2014. Claimant was not a single parent or providing for more than have the physical care of any child. Claimant was mentally and physically fit for employment.

Claimant was considered in "student status" when he applied for benefits because he was enrolled in college half time and was between the ages of 18 and 49 when he applied. See BEM 245, p 4. None of the exceptions in BEM 245 apply. BEM 245, pp 1-2 requires the Department to deny Claimant's application for FAP benefits in this case.

**ISSUE**

Did the Department properly deny Claimant's FAP application?

**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 FAP benefits on January 6, 2014.
2. Claimant was 34 years old when he applied.

3. On January 6, 2014 sent Claimant a Notice of Case Action denying Claimant's application effective January 6, 2014.
4. Claimant was a part-time college student when he applied, and was not working.
5. Claimant requested hearing on January 14, 2014.
6. Claimant was not a single parent or providing for more than half the physical care of any child.
7. Claimant was mentally and physically fit for employment.

### **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).

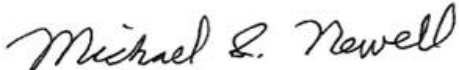
The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency)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

Additionally, Claimant was considered in "student status" when he applied for benefits because he was enrolled in college half time and was between the ages of 18 and 49 when he applied. See BEM 245, p 4. None of the exceptions in BEM 245 apply. BEM 245, pp 1-2 requires the Department to deny Claimant's application for FAP benefits in this case.

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 denied Claimant's FAP application.

### **DECISION AND ORDER**

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



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Michael S. Newell  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: February 19, 2014

Date Mailed: February 19, 2014

**NOTICE OF AP PEAL:** 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

MSN/las

cc:

