

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-22725
Issue No(s): 3001
Case No.: [REDACTED]
Hearing Date: February 13, 2014
County: DHS-SSPC West

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 13, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED] the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly deny the Claimant's Food Assistance Program (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. On December 30, 2013, the Claimant applied for FAP and an interview was completed.
2. On December 30, 2013, a Notice of Case Action was issued to the Claimant stating the FAP application was denied based on the Claimant's request that assistance be stopped.
3. On January 11, 2014, the Claimant filed a request for hearing contesting the Department's action.

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 US C 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.

A client or authorized representative may withdraw an application any time before it is disposed on Bridges. BAM 110, p. 19 (7-1-2013)

BEM 245 (7-1-2013) sets out the criteria for a person in student status to be eligible for FAP, which include but are not limited to receiving FIP, being physically or mentally unfit for employment, and working at least 20 hours per week.

In this case, the Claimant applied for FAP on December 30, 2013 and an interview was completed the same day. The Eligibility Specialist credibly testified that during the interview it was explained that the Claimant was in student status, which would affect his eligibility. During this phone conversation the Claimant withdrew his application for FAP. The Eligibility Specialist credibly testified that she only discusses withdrawal of an application during an interview after there is an inquiry about the status, and does not just withdraw an application. The Eligibility Specialist indicated that when the Claimant inquired about his eligibility status, she explained the eligibility issues first and then asked the Claimant if he wanted to withdraw his application, and then the Claimant then withdrew his application.


The Claimant testified that he did not understand the process and did not really intend to withdraw his FAP application during the interview. However, the Claimant also indicated that the issue was his lack of understanding of the process, not anything related to the Eligibility Specialist. The Claimant also stated that at the time of the application/interview he had just left a job and was waiting to hear back from an interview. The Claimant also stated that at that time he was still on the payroll for another job and could have started working there at least 20 hours per week that same day, but he did not recall if this job was reported during the interview.

The evidence establishes that the Claimant withdrew his application during the phone interview with the Eligibility Specialist, though he may not have understood the process. Further, the Claimant's testimony indicated that at the time of the December 30, 2013 application and phone interview he was not working. The Claimant reported he had just quit a job on the 20th and was waiting to hear back from an interview for another job. The Claimant's testimony indicated he could have started work again at another employer that he was still on the payroll with, but not that he had actually returned to working at that job or even reported it to the Department. Accordingly, the denial of the Claimant's December 30, 2013 application must be upheld. As discussed during the hearing proceedings, if he has not already done so the Claimant may re-apply for FAP at any time and provide updated information, such as any change in employment or student status.

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 the Claimant's FAP application.

DECISION AND ORDER

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



Colleen Lack
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 21, 2014

Date Mailed: February 21, 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

201422725/CL

CL/hj

cc:

