

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

**IN THE MATTER OF:**

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

Reg. No.: 2014-27432  
Issue No(s): 2000;3001  
Case No.: ██████████  
Hearing Date: March 12, 2014  
County: SSPC-EAST

**ADMINISTRATIVE LAW JUDGE:** Zainab Baydoun

**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 three way telephone hearing was held on March 12, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant's Authorized Hearing Representative, ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Assistance Payment Supervisor and ██████████, Assistance Payment Worker.

**ISSUE**

Did the Department properly process Claimant's Medical Assistance (MA) and 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 January 10, 2014, Claimant submitted an application for FAP benefits.
2. On February 6, 2014, the Department conducted a FAP application interview with Claimant. (Exhibit 1)
3. On February 6, 2014, the Department sent Claimant a Notice of Case Action informing him that his application had been denied on the basis that he was ineligible for FAP due to his student status.

4. Claimant was not an ongoing recipient of MA benefits and did not submit an application for MA benefits prior to requesting a hearing.
5. On February 14, 2014, Claimant submitted a hearing request 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).

#### **MA**

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

Claimant submitted a hearing request disputing the actions of the Department with respect to his MA benefits. Soon after commencement of the hearing, Claimant's AHR testified that Claimant was not an active and ongoing recipient of MA benefits and that he had not submitted an application for MA prior to filing a hearing request. Therefore, the Department had neither determined Claimant's eligibility for MA nor had the Department taken any negative action with respect to Claimant's MA benefits prior to the hearing request; therefore, Claimant's hearing request with respect to MA is **DISMISSED** for lack of jurisdiction. BAM 600, p 4. Claimant's AHR was informed that Claimant was entitled to submit an application for MA and have his eligibility determined.

#### **FAP**

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, the Department testified that during his FAP application interview, Claimant informed the Department that he was enrolled as a part time student at Macomb County Community College and that he was studying digital media productions. (Exhibit 1). Based on the information provided by Claimant during his FAP interview, the Department determined that Claimant was not an eligible student for FAP purposes and on February 6, 2014, the Department sent Claimant a Notice of Case Action, informing

him that his FAP application was denied on the basis that Claimant was not an eligible student. (Exhibit 2).

A person who is in student status and does not meet the criteria in BEM 245 is a non-group member and is not eligible to receive FAP benefits. BEM 212 (October 2013), p. 9. A person enrolled in a post-secondary education program may be in student status and eligible for FAP assistance, provided that certain eligibility criteria are met. BEM 245 (July 2013), pp.3-5.

At the hearing, Claimant's AHR testified that Claimant planned on attending college, however, his financial aid was not approved and he did not attend. Although Claimant's AHR stated that Claimant had withdrawn his enrollment at [REDACTED], Claimant's AHR confirmed that this did not occur until after the FAP interview was conducted and after the Notice of Case Action was sent.

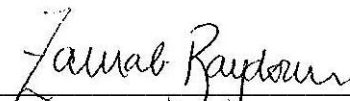
Claimant's AHR confirmed that at the time of the application and FAP interview, Claimant was enrolled in college part time. Claimant's AHR stated that Claimant is not physically or mentally unfit for employment and that he does not participate in on the job training or in a work study program. Claimant's AHR testified that Claimant was not employed for 20 hours or more per week and that Claimant is not a single parent nor does he provide more than half of the physical care of a group member under the age of six, as he was applying for FAP benefits only for himself with a group size of one. BEM 245, pp.2-5.

Based on the above information and additional testimony provided at the hearing by both Claimant's AHR and the Department, Claimant does not meet any of the criteria found in BEM 245; and is therefore not eligible to receive FAP benefits. BEM 245, pp.2-5.

The Administrative Law Judge, based upon 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 and determined that he was ineligible based on his status as a student . Claimant's AHR was informed that because Claimant's status as a student has changed, he was entitled to submit a new application for FAP benefits and have his eligibility determined.

### **DECISION AND ORDER**

Accordingly, Claimant's hearing request with respect to MA is DISMISSED the Department's FAP decision is AFFIRMED.



**Zainab Baydoun**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: March 13, 2014

Date Mailed: March 13, 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

ZB/tm

cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]