

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 15-009224  
Issue No.: 3003  
Case No.: [REDACTED]  
Hearing Date: July 22, 2015  
County: KENT-DISTRICT 1  
(FRANKLIN)

**ADMINISTRATIVE LAW JUDGE:** Gary Heisler

**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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on July 22, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Health and Human Services (Department) included Assistance Payment Worker [REDACTED] and Family Independence Manager (FIM) [REDACTED].

**ISSUE**

Did the Department properly close Claimant's Food Assistance Program on May 31, 2015?

**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 was an ongoing recipient of Food Assistance Program benefits. Claimant's benefit group consisted of herself and her three children. Claimant's Food Assistance Program eligibility was due for re-determination by May 31, 2015.
2. On May 27, 2015, the Department certified Claimant's Food Assistance Program for closure. The Department's decision was based on not receiving adequate verification of earned income for Claimant's 17 year old daughter.
3. On June 3, 2015, Claimant made a verbal hearing request about her Food Assistance Program closing.

4. On June 12, 2015, a Benefit Notice (DHS-176) was sent to Claimant stating her Food Assistance Program closed as of May 31, 2015.
5. On June 25, 2015, Claimant submitted a written hearing request about her Food Assistance Program closing.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, 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 Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

During this hearing, the evidence was reviewed and included incomplete verification of Claimant's 17 year old daughter's income received before the due date and the completed verification received on June 9, 2015. Bridges Eligibility Manual (BEM) 501 Income from Employment (7-1-2014) at page 2 states:

#### **STUDENT EARNINGS DISREGARD**

##### **All TOA**

This disregard applies to all sources of **earned** income including wages and training income. It ends the month after the student stops meeting a requirement (Example: month after reaching age 18).

**Note:** There is a different disregard for Workforce Investment Act (WIA)-funded training income; see **TRAINING INCOME**.

Bridges continues the student earnings exclusion during school breaks and vacations as long as the student plans to return as indicated by student's education details in Bridges.

See BEM 400, **Student's Saving Exclusion** for the asset exclusion policy.

**Family Independence Program (FIP), Refugee Cash Assistance (RCA), State Disability Assistance (SDA), Child Development and Care (CDC) and FAP Only**

Bridges disregards the earnings of an individual who is **all** of the following:

Under age 18.

Attending elementary, middle or high school including attending classes to obtain a GED.

Living with someone who provides care or supervision.

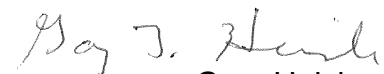
Claimant's daughter meets the requirements for her earned income to be excluded. The Department representatives testified that they are not sure why BRIDGES did or did not disregard Claimant's daughter's age when it processed this re-determination. The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Claimant's Food Assistance Program on May 31, 2015.

**DECISION AND ORDER**

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister Claimant's re-determination and reprocess in accordance with Department policy.
2. Issue Claimant a current eligibility determination from June 1, 2015 ongoing.



Gary Heisler  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Service

Date Signed: **7/29/2015**

Date Mailed: **7/29/2015**

GFH / 

**Heisler**

**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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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 48909-8139

cc:

