



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: May 2, 2018
MAHS Docket No.: 18-003003
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

Following Petitioner'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 April 26, 2018, from Lansing, Michigan. Petitioner represented herself. The Department was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for 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 [REDACTED], the Department received Petitioner's application for Food Assistance Program (FAP) benefits as a household of one. Exhibit A, pp 7-20.
2. Petitioner reported on her [REDACTED], application for Food Assistance Program (FAP) benefits that she is a full-time student. Exhibit A, p 11.
3. Petitioner reported to the Department on her [REDACTED], application for assistance that she is not employed.
4. During her initial eligibility interview on [REDACTED], Petitioner reported that she is a full-time student and she is not receiving any income. Exhibit A, p 21.

5. On [REDACTED] the Department notified Petitioner that her application for Food Assistance Program (FAP) benefits had been denied. Exhibit A, pp 23-26.
6. On [REDACTED], the Department received Petitioner's request for a hearing. Exhibit A, pp 27-30.

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.

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 (January 1, 2018), pp 3-4.

On [REDACTED] the Department received Petitioner's application for FAP benefits as a group of one. Petitioner is not the caretaker of a minor child and does not receive cash assistance from the Department. Petitioner reported to the Department that she is a full-time college student. Petitioner does not receive any income.

Petitioner is not eligible for FAP benefits because she does not meet the criteria of the student status policy in BEM 245.

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 Petitioner's application for Food Assistance Program (FAP) benefits because she does not meet the criteria to receive those benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/hb



Kevin Scully
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

Petitioner

[REDACTED]