



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: September 5, 2018
MAHS Docket No.: 18-006806
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: John Markey

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; 42 CFR 438.400 to 438.424; 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 August 2, 2018, from Lansing, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Laura Benginger, Eligibility Specialist.

ISSUE

Did the Department properly disqualify Petitioner's daughter from Petitioner's Food Assistance Program (FAP) benefit group?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner is an ongoing FAP recipient.
2. Petitioner was a member of a two-person group that was comprised of herself and her daughter, who was subject to the Time Limited Food Assistance (TLFA) work requirements.
3. On June 18, 2018, the Department sent Petitioner a Notice of Time Limited Food Assistance Third Countable Month, DHS-142a, informing Petitioner that if her daughter does not meet her hourly participation requirement for TFLA of working

20 hours in June of 2018, Petitioner's daughter will be removed from Petitioner's FAP benefits group.

4. On ██████████ 2018, Petitioner requested a hearing disputing the Department's June 18, 2018, Notice of Time Limited Food Assistance Third Countable Month.

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.

In this case, Petitioner requested a hearing to dispute the Department's actions regarding her daughter's disqualification from the FAP benefit group. Effective January 1, 2018, individuals in Time Limited Food Assistance (TLFA) counties, such as Eaton County, must meet specific TLFA work requirements as a condition of FAP eligibility. BEM 620 (January 2018), p. 1. All FAP individuals age 18 through 49 are TLFA unless deferred. BEM 620, p. 1. Failure to do meet the work requirements limits the individual's FAP eligibility to three months within a 36-month period. BEM 620, p. 1. TLFA individuals who meet all other FAP eligibility criteria are eligible for three countable months of FAP benefits during a 36-month period. BEM 620, p. 1.

In order for an FAP benefit month to not be countable, a TLFA individual must perform one of the following: (i) work at least 80 hours monthly (20 hours/week on average); (ii) participate in Michigan Works! Agency (MWA) 80 hours monthly; (iii) work and participate in MWA combined for 80 hours monthly; (iv) participate in MWA-assigned Workfare with the number of hours worked at least equal to the FAP benefit divided by the \$8.90 minimum wage; or (v) engage in self-initiated community service activities for a non-profit organization with the number of hours worked at least equal to the FAP benefit divided by the \$9.25 minimum wage. BEM 620, pp. 1-3.

The Department testified Petitioner's daughter was disqualified from the FAP group because she was not working 80 hours per month, as required by TLFA work requirements. Petitioner agreed that her daughter was not working the required 80 hours per month. However, Petitioner asserted that one of the deferrals should apply to her daughter, allowing the work requirement to be waived, because her daughter had experienced a traumatic incident in the recent past.

To be deferred from TLFA policy an individual must be one of the following: (i) a member of a FAP group that includes a FAP group member under age 18; (ii) deferred from employment-related activities per BEM 230B; (iii) in any stage of pregnancy; or (iv) determined to be medically certified as physically or mentally unfit for employment. BEM 620, pp. 1-2. One of the criteria for temporary deferral includes individuals in student status. BEM 230B (January 2018), pp. 4-5.

None of the above reasons for deferral apply to Petitioner's situation. Thus, the Department accurately determined that Petitioner's daughter had, for three months in early 2018, failed to meet the work requirements and was not qualified for a deferral. Accordingly, the Department followed policy by disqualifying Petitioner's daughter from the FAP benefits group and recalculating Petitioner's benefits accordingly.

DECISION AND ORDER

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 established that it acted in accordance with Department policy when it disqualified Petitioner's daughter from the FAP group. Accordingly, the Department's decision is **AFFIRMED**.

JM/dh



John Markey
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) 763-0155; 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

Laura Bensinger
1050 Independence Blvd
Charlotte, MI 48813

Eaton County, DHHS

BSC2 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

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