



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: June 25, 2020
MOAHR Docket No.: 20-003088
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 June 18, 2020, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Maia Elvine-Fair, Assistance Payments Supervisor.

ISSUE

Did the Department properly determine Petitioner's eligibility for the Food Assistance Program (FAP) and Medical Assistance (MA)?

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 was a recipient of FAP and MA for her two children, but she was exempt because she was a full-time college student and not eligible for benefits.
2. On [REDACTED], 2020, Petitioner applied for FAP and MA where she was no longer a full-time college student. Department Exhibit 1, pgs. 7-20.
3. On April 3, 2020, the Department Caseworker received income verification for Petitioner. Department Exhibit 1, pgs. 21-24.
4. On April 3, 2020, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that effective April 1, 2020, that Petitioner was eligible for \$56

and May 1, 2020, for \$24 per month in FAP benefits for a household composition of three. Department Exhibit 1, pgs. 31-35.

5. On April 3, 2020, the Department received a hearing request from Petitioner, contesting the Department's negative action.
6. On April 20, 2020, Petitioner submitted a change report and verification of applying for unemployment. Department Exhibit 1, pgs. 6-8.
7. On April 27, 2020, the Department Caseworker received verbal verification from Petitioner's employer that she was an active employee with no plans for her to be laid off with written verification received on May 1, 2020. Department Exhibit 1, pgs. 9-10.
8. On April 30, 2020, the Department received a hearing request from Petitioner, contesting the Department's negative action.

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.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In this case, Petitioner was a recipient of FAP and MA for her two children, but she was exempt because she was a full-time college student and not eligible for benefits. As a result, the Petitioner had a household of 2 with the Petitioner and her income not counted on the case. On [REDACTED] 2020, Petitioner applied for FAP and MA where she was no longer a full-time college student. Department Exhibit 1, pgs. 7-20.

On April 3, 2020, the Department Caseworker received income verification for Petitioner. Department Exhibit 1, pgs. 21-24. On April 3, 2020, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that effective April 1, 2020, Petitioner was eligible for \$56 and May 1, 2020, for \$24 per month in FAP benefits for a household composition of three. Department Exhibit 1, pgs. 31-35. On April 3, 2020, the Department received a hearing request from Petitioner, contesting the Department's negative action.

On April 20, 2020, Petitioner submitted a change report and verification of applying for unemployment. Department Exhibit 1, pgs. 6-8. On April 27, 2020, the Department Caseworker received verbal verification from Petitioner's employer that she was an active employee with no plans for her to be laid off with written verification received on May 1, 2020. Department Exhibit 1, pgs. 9-10. On April 30, 2020, the Department received a hearing request from Petitioner, contesting the Department's negative action. BAM 105 and 110. BEM 135, 400, 500, 501, 503, 545, and 550.

This Administrative Law Judge finds that the Department properly determined Petitioner's eligibility for FAP and MA. She was a full-time college student, which made her ineligible for benefits. However, she was no longer a full-time college for the month of April 2020 forward, so she was eligible for FAP and MA. In addition, her income was required to be counted in determining FAP and MA eligibility. Petitioner is now counted with her two children for a household group composition of three.

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 acted in accordance with Department policy when it determined Petitioner's eligibility for FAP and MA.

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

CF/hb



Carmen G. Fahie
Administrative Law Judge
for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Washtenaw County via electronic mail

BSC4 via electronic mail

D. Smith via electronic mail

EQADHS via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]