



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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████████████████████, MI ██████████

Date Mailed: May 13, 2022  
MOAHR Docket No.: 22-001590  
Agency No.: ██████████  
Petitioner: ██████████ ██████████

**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 May 10, 2022. Petitioner represented herself. The Department was represented by Shannon Prout and Angelica Garcia.

**ISSUE**

Did the Department of Health and Human Services (Department) properly close Petitioner's 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 ██████████ ██████████ ██████████ the Department received Petitioner's application for Food Assistance Program (FAP) benefits as a household of one. Exhibit A, pp 6-11.
2. Petitioner reported on her ██████████ ██████████ ██████████ application form that she was enrolled in college/vocational school. Exhibit A, p 7.
3. Petitioner reported on her ██████████ ██████████ ██████████ application form that she was employed and working 20 hours per week. Exhibit A, p 9.
4. On March 11, 2022, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification of her employment by March 21, 2022. Exhibit A, pp 17-19.
5. The Department received copies of paycheck stubs showing Petitioner's employment from October 31, 2021, through March 19, 2022. These ten paycheck stubs show that Petitioner averaged 19 hours per week during that period. Exhibit A, pp 36-45.

6. On March 14, 2022, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits effective April 1, 2022. Exhibit A, pp 12-16.
7. On April 1, 2022, the Department received Petitioner's request for a hearing protesting the closure of her Food Assistance Program (FAP) benefits. Exhibit A, pp 3-4.

### **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) is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq*, and Mich Admin Code, R 400.3001 through 400.3011.

Petitioner was an ongoing FAP recipient as a household of one on March 11, 2022, when the Department requested that she provide verification of her employment. When the Department received copies of paycheck stubs from October 31, 2021, through March 19, 2022, that showed Petitioner worked an average of 19 hours per week during that period, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits.

Federal regulations required that as a condition of eligibility for food assistance, each household member not exempt from the work provisions must not reduce work effort to less than 30 hours per week. 7 CFR 271.7(a)(vii). This regulation is contained in BEM 230B, which prohibits FAP recipients from voluntarily reducing hours of employment below 30 hours per week without good cause. Department of Health and Human Services Bridges Eligibility Manual (BEM) 230B (January 1, 2018), p 2.

Petitioner argues that she had good cause for the reduction of her work hours because her work site was closed due to weather and holidays.

However, Petitioner working less than 30 hours per week and her FAP benefits were not closed based on the authority of BEM 230B or 7 CFR 271.77. Department policy in BEM 230B indicates that a person enrolled in a post-secondary education program may be in student status as defined in BEM 245.

It was not disputed that Petitioner is a person aged 18 through 49 and enrolled half-time or more in a post-secondary educational program, is not the caretaker of a minor child, and is not unfit to work. As a condition of receiving FAP benefits while attending

college, recipients are required to be employed for at least an average of 20 hours per week and paid for such employment. Department of Health and Human Services Bridges Eligibility Manual (BEM) 245 (April 1, 2021), p 5. There are no good cause provisions in BEM 245 for failing to meet the student status requirements.


Further, the work requirements for Able-bodied Adults Without Dependents (ABADWs) have been suspended under Economic Stability Administration (ESA) 2020-13 in response to the COVID-19 pandemic. The good cause provisions for failing to meet ABADW requirements would therefore not be relevant to Petitioner's benefits even if she was not a college student.

The hearing record supports a finding that Petitioner's FAP benefits were not closed for failing to meet work requirements for Able-bodied Adults Without Dependents (ABADWs) without good cause but were closed for failing to meet the Student Status requirements, which do not contain good cause exceptions. 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 closed Petitioner's Food Assistance Program (FAP) benefits effective April 1, 2022.

### **DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/nr

  
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Kevin Scully  
Administrative Law Judge  
Michigan Office of Administrative Hearings  
and Rules (MOAHR)

**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**

Lacey Whitford  
1919 Parkland Drive  
Mt. Pleasant, MI 48858

Isabella County DHHS- via electronic mail

BSC2- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

**Petitioner**

██████████ - via first class mail

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██████████, MI ██████████