



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: November 16, 2023
MOAHR Docket No.: 23-006833
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 November 14, 2023, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Amber Gibson.

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 June [REDACTED] 2023, the Department initiated a review of Petitioner's eligibility for ongoing Food Assistance Program (FAP) benefits by sending her a Redetermination (DHS-1010) form. Exhibit A, p 5.
2. Petitioner reported on her Redetermination form that she is a student at a post-secondary institution. Exhibit A, p 10.
3. Petitioner reported on her Redetermination form that she is not employed. Exhibit A, p 9.
4. On July [REDACTED] 2023, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits effective August 1, 2023. Exhibit A, p 12.
5. On October 3, 2023, 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.

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 for FAP benefits, they must meet the criteria listed in the student status policy. Department of Health and Human Services Bridges Eligibility Manual (BEM) 245 (July 1, 2023), pp 3-4.

The Department had previously exempted students from BEM 245. Effective July 1, 2023, the FAP temporary status exemptions ended. Those exemptions included individuals eligible to participate in work study or have an expected family contribution of \$0 on their FAFSA in the current academic years. If the student was approved for the temporary exemption before July 1, 2023, the exemption can remain on the case until the next Redetermination or if the student reports a change of their student status. Department of Health and Human Services Bridges Quarterly Update (BMP) 2023-13 (July 1, 2013), p 1.

Petitioner was an ongoing FAP recipient on June █ 2023, when the Department initiated a review of her eligibility for ongoing FAP benefits. Petitioner is a full-time college student, and she is not employed. Petitioner had been exempted from the student status policy enacted during the COVID-19 pandemic as an individual with an expected family contribution of \$0. It is not in dispute that Petitioner's expected family contribution has not changed, but effective July 1, 2023, the exception that allowed Petitioner to become eligible for FAP benefits ended. Petitioner's FAP case was due for redetermination with her certification period ending, and her eligibility for FAP benefits was subject to the requirements of BEM 240.

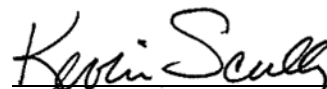
Petitioner is not employed, and no evidence was presented that she meets any other criteria of BEM 245 that would allow her to remain eligible for FAP benefits as a household of one. Therefore, the Department notified Petitioner that she is no longer eligible for FAP benefits.

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.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dm



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

Via-Electronic Mail :

DHHS
Amber Gibson
Ingham County DHHS
**MDHHS-Ingham-
Hearings@michigan.gov**

HoldenM

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BSC2HearingDecisions

MOHAR

Via-First Class Mail :

Petitioner

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[REDACTED]
[REDACTED]