



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: December 18, 2023
MOAHR Docket No.: 23-007778
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 December 14, 2023, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Susan Derseweh.

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 September [REDACTED] 2023, and November [REDACTED] 2023, the Department received Petitioner's application for Food Assistance Program (FAP) benefits. Exhibit A, p 5.
2. Petitioner reported that she is a full-time student. Exhibit A, p 7.
3. Petitioner reported that she is employed and expects to work 8 hours per week. Exhibit A, p 8.
4. On September [REDACTED] 2023, the Department requested verification of Petitioner's employment. Exhibit A, p 19.
5. On October 10, 2023, the Department received verification that from August 6, 2023, through September 30, 2023, Petitioner had worked 106.2 hours in addition to her school attendance. Exhibit A, pp 22-25.

6. On October ■ 2023, October ■ 2023, and November ■ 2023, the Department notified Petitioner that her application for Food Assistance Program (FAP) benefits had been denied. Exhibit A, pp 26, 30, and 43.
7. On November 7, 2023, the Department received Petitioner's request for a hearing protesting the denial of Food Assistance Program (FAP) benefits. Exhibit A, p 3.

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, 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.

Eligibility restrictions for FAP benefits had been relaxed due to the public health emergency, but effective July 1st, 2023, the FAP temporary student status exemptions ended. These exemptions include:

- The individual is eligible to participate in a state or federally financed work study program during the regular school year, as determined by the institution of higher education.
- The individual has an expected family contribution (EFC) of \$0 in the current academic year.


Petitioner applied for FAP benefits and reported that she is a full-time student. Petitioner provided the Department with verification that she is employed, and from October 10, 2023, through September 30, 2023, Petitioner worked a total of 106.2 hours, which is 13.275 per week. Since Petitioner is not working 20 hours per week and she does not meet any of the other criteria listed in the Department's student status policy, she is not 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 denied Petitioner's applications for 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
Susan Derseweh
Genesee County DHHS Clio Rd Dist.
**MDHHS-Genesee-Clio-
Hearings@michigan.gov**

HoldenM

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Via-First Class Mail :

Petitioner

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