



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]
MI [REDACTED]

Date Mailed: October 24, 2023
MOAHR Docket No.: 23-005827
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 October 18, 2023. Petitioner appeared and represented himself. The Department of Health and Human Services (MDHHS) was represented by Juanita Munoz, Hearings Facilitator.

ISSUE

Did MDHHS properly deny Petitioner's Food Assistance Program (FAP) application due to his institutional status?

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 [REDACTED] 2023, Petitioner submitted an application for FAP (Exhibit A, pp. 11-17).
2. Petitioner is a resident of [REDACTED], which provides him meals and housing.
3. On August 8, 2023, MDHHS issued a Notice of Case Action to Petitioner, informing him that his FAP application was denied due to his institutional status (Exhibit A, pp. 7-10).
4. On September 15, 2023, MDHHS received a timely submitted hearing request from Petitioner disputing the denial of his FAP application (Exhibit A, pp. 4-5).

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.

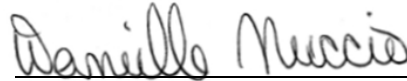
In this case, Petitioner disputes the denial of his FAP application due to his institutional status by being a resident of Job Corps. Residents of institutions can qualify for FAP benefits in limited circumstances. Institution means an establishment furnishing food, shelter and some treatment or services to more than three people unrelated to the proprietor. BEM 265 (April 2018), p. 1. Since Job Corps provides both housing and meals to Petitioner, Job Corps would be considered an institution according to policy. A person in a facility which provides its residents a majority of their meals can qualify for FAP if the facility is authorized by the Food and Nutrition Service (FNS) to accept FAP benefits or is an eligible group living facility as defined in BEM 615 (such as an Adult Foster Care, Community Living, County Infirmary or Substance Abuse Treatment Center). Job Corps does not qualify as a BEM 615 eligible group living facility. MDHHS testified that Job Corps is not authorized by FNS to accept FAP benefits. Since Job Corps is not authorized by FNS to accept FAP benefits, Petitioner is not eligible to receive FAP benefits while a resident of that institution. Therefore, MDHHS acted in accordance with policy when denying Petitioner's FAP application due to his institutional status.

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 FAP application.

DECISION AND ORDER

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

DN/mp



Danielle Nuccio

Administrative Law Judge

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 :

Interested Parties

MDHHS-Wayne-41-Hearings
D. Sweeney
M. Holden
MOAHR
BSC4

Via-First Class Mail :



MI