



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA  
DIRECTOR

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██████████, MI ██████████

Date Mailed: November 25, 2024  
MOAHR Docket No.: 24-012008  
Agency No.: ██████████  
Petitioner: ██████████ ██████████

**ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner**

**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 hearing was held by telephone on November 20, 2024. Petitioner appeared, represented herself, and was also represented by her Authorized Hearing Representative (AHR), ██████████. The Department of Health and Human Services (Department) was represented by Erin Clifford, Assistance Payments Worker, and Cathy Burr, Assistance Payments Supervisor.

**ISSUE**

Did the 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 ██████████ 2024, the Department received an application for FAP from Petitioner. Petitioner reported that she was a full-time student at University of Michigan (College), was not employed, and had ██████████ income. (Exhibit A, pp. 18 – 24).
2. On October 15, 2024, the Department interviewed Petitioner regarding her application for FAP. Petitioner confirmed that she was a full-time student at College, was not employed, was not a Perkins Loan recipient, and had ██████████ income. (Exhibit A, pp. 11 – 17).

3. On October 15, 2024, the Department sent a Notice of Case Action (NOCA) to Petitioner that denied Petitioner FAP benefits based on its determination that she was an ineligible student. (Exhibit A, pp. 5 – 8).
4. On October 18, 2024, the Department received a request for hearing from Petitioner disputing the Department's denial of her application for FAP. (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) [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.

Petitioner requested a hearing to dispute denial of her application for FAP assistance based on the Department determining that she was an ineligible student.

Each time the Department receives an application for FAP, the Department must determine the individual's eligibility for that program. BEM 212 (October 2024), p. 1. A person in student status who does not meet the criteria set forth in BEM 245 is deemed an ineligible student and is not eligible for FAP. BEM 212, p. 10. For purposes of FAP, a person is in student status if they are age 18 – 49 and enrolled half-time or more in a) a vocational, trade, business, or technical school that usually requires a high school diploma or GED, or b) at college or university that offers degree programs regardless of whether a diploma is required. BEM 245 (July 2023), pp. 3 – 4. In order for a person in student status to be eligible for FAP benefits, they must meet at least one of the criteria listed in the student status policy, such as maintaining employment for an average of 20 hours per week, be enrolled in the Perkins program, or be working in a state or federally-funded work study program, among other things. BEM 245, pp. 3 – 6. To qualify under the work study provision during the regular school year, the student must be actually working; approval to participate in work study is not sufficient to meet the criteria. BEM 245, p. 5.

In this case, Petitioner testified that she was a full-time student at University of Michigan and approved for work study employment. However, Petitioner reported on her application, during her interview, and during the hearing, that she was not working. (Exhibit A, pp. 11 – 24). Because Petitioner was not working an average of 20 hours

per week, working under the work study program, or enrolled in the Perkins program, and there was no evidence she was otherwise eligible for FAP while a full-time student at College, the Department properly denied Petitioner's application for FAP benefits.

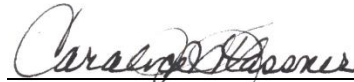
During the hearing, Petitioner testified that as of November 18, 2024, two days prior to the hearing, she received a job offer. Petitioner was advised that she may reapply for FAP based on her current circumstances.

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 FAP benefits based on her status as an ineligible student.

### **DECISION AND ORDER**

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

CML/nr



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**Caralyce M. Lassner**  
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 :**

**DHHS**

Trista Waishkey  
Washtenaw County DHHS  
22 Center Street  
Ypsilanti, MI 48198

**MDHHS-Washtenaw-Hearings@michigan.gov**

**Interested Parties**

BSC4

M. Holden

N. Denson-Sogbaka

B. Cabanaw

MOAHR

**Via-First Class Mail :**

**Petitioner**

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**Authorized Hearing Rep.**

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