



Date Mailed: February 26, 2025

Docket No.: 25-002888

Case No.: [REDACTED]

Petitioner: [REDACTED]

«RECIP_FULL_NAME»
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هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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 teleconference on February 19, 2025 and the parties participated jointly by Microsoft Teams from the Michigan Department of Health and Human Services (Department) local office. Petitioner appeared and was represented by their Authorized Hearing Representative (AHR) and father-in-law, [REDACTED]. The Department was represented by Danielle Moton, Assistance Payments Worker.

ISSUE

Did the Department properly exclude Petitioner's daughter, [REDACTED] (Daughter), from Petitioner's Food Assistance Program (FAP) group?

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 November 20, 2024, the Department received a completed FAP redetermination application from Petitioner for herself, her husband, their minor son, and [REDACTED] year old Daughter. (Exhibit A, pp. 8 – 12).

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2. On December 23, 2024, the Department interviewed Petitioner and Petitioner reported that Daughter is a full-time college student who does not work, receive a [REDACTED] loan, or work under the work-study program. Petitioner's AHR assisted her during the interview. (Exhibit A, pp. 13 (Serial No. 81), 21 – 27).
 3. On December 23, 2024, the Department issued a Notice of Case Action (NOCA) approving Petitioner for monthly FAP benefits of \$[REDACTED] for a three-person FAP group that included Petitioner, her husband, and their minor son, effective January 1, 2025 ongoing. The NOCA did not include Daughter in the approved FAP group and stated that she was not an eligible student. (Exhibit A, pp. 14 – 15).
 4. Daughter is a full-time college student and does not work, receive financial assistance from the [REDACTED] or similar program, and does not participate in a work study program.
 5. On January 7, 2025, the Department received a request for hearing from Petitioner that disputed the Department's exclusion of Daughter from the FAP group. (Exhibit A, pp. 3 – 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.

Petitioner submitted a request for hearing to dispute the Department's exclusion of Daughter from Petitioner's FAP group. The Department excluded Daughter from the FAP group due to Daughter being an ineligible student.

Each time the Department evaluates eligibility of a person and household for FAP benefits, it must determine who must be included in the FAP group. BEM 212 (October 2024), p. 1. People who live together and purchase and prepare food together must be included in the same group. BEM 212, p. 1. Additionally, parents and their children under the age of 22 who reside together must be included in the same group. BEM 212, p. 1. However, a person in student status who does not meet the criteria set forth

in BEM 245 is deemed an ineligible student and is not included in the FAP group. BEM 212, p. 9.

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 under a state or federally-funded work study program, among other things. BEM 245, pp. 3 – 6.

In this case, the Department testified, and Petitioner's AHR confirmed, that Daughter is a full-time college student and does not work, does not receive financial assistance through the Perkins Loan or a similar qualifying program, or work under a work study program. Therefore, the Department properly determined Daughter is an ineligible student and properly excluded her from the FAP group.

Should Daughter's school or work circumstances change in the future, Petitioner may request that the Department reevaluate Petitioner's group and FAP benefits at that time.

DECISION AND ORDER

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 excluded Daughter from Petitioner's FAP group.

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



CARALYCE M. LASSNER
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks.

Via Electronic Mail:

Respondent

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Interested Parties

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MOAHR
BSC4

Via First Class Mail:

Authorized Hearing Rep

[REDACTED]

Petitioner

[REDACTED]