



Date Mailed: August 12, 2025
Docket No.: 25-025924
Case No.: [REDACTED]
Petitioner: [REDACTED]

[REDACTED]
MI [REDACTED]

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

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这是一份重要的法律文件。请让别人翻译文件。

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

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Case No.: [REDACTED]

Petitioner: [REDACTED]

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 August 7, 2025. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Princess Ogundipe, Assistance Payments Supervisor.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner is a single individual with no dependents, between the ages of [REDACTED] and [REDACTED], and not disabled.
2. Petitioner is not employed.
3. From September 16, 2024 to June 30, 2025, Petitioner was an ongoing recipient of FAP benefits.
4. On June 17, 2025, the Department received a completed Time Limited Food Assistance (TLFA) Survey from Petitioner. Petitioner reported that she was eligible for a TLFA exemption because she attended [REDACTED] (University) at least half-time. (Exhibit A, pp. 19 – 20).
5. On June 17, 2025, the Department sent Petitioner a Notice of Case Action (NOCA) that notified her that her FAP case was closed effective July 1, 2025 ongoing because she was an ineligible student. (Exhibit A, pp. 15 – 18).
6. On July 1, 2025, the Department received a request for hearing from Petitioner, disputing the closure of her FAP case. (Exhibit A, pp. 4 – 6).

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 closure of her FAP benefit case effective July 1, 2025. The Department closed Petitioner's FAP case because it determined that she was an ineligible student.

For purposes of FAP, when the client reports a change in their circumstances, including information that conflicts with information previously provided by the client, the Department must generally act on the change within 10 days. BAM 220 (June 2025), pp. 8 – 9. If the Department then determines the reported change will result in a reduction of FAP benefits, including case closure, it must issue a NOCA to the client within 10 days, effective for the benefit month that begins 10 days after the change was reported. BAM 220, pp. 9, 11.

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 (June 2025), 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 2025), 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 receiving Family Independence Program (FIP) benefits; maintaining paid employment for an average of 20 hours per week; be enrolled in an employment or training program for low-income households operated by the state or local government; or be working in a state or federally-funded work study program, among other things. BEM 245, pp. 1, 4 – 6. A person remains in student status while attending classes regularly and during official school vacations and periods of extended illness. BEM 245, p. 6.

In this case, Petitioner completed a TLFA survey as required by the Department, and reported a change of information from what was previously provided to the Department. The reported change was regarding Petitioner's enrollment at University at least half-time; no other changes, such as employment, were reported on the TLFA survey. As a

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result of the reported change, the Department determined Petitioner was an ineligible student and closed Petitioner's FAP case.

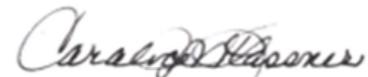
During the hearing, Petitioner testified that she was a full-time student at University, was required to participate in an average of 32 unpaid clinical hours per week, and not engaged in paid employment. There was no dispute that Petitioner is between the ages of [REDACTED], and enrolled half-time or more at an institute that offers degree programs; thus, she is in student status. Although both parties raised issues regarding whether Petitioner's clinical hours qualify as volunteer hours, participation in unpaid volunteer hours is not one of the criteria that would qualify Petitioner as an eligible student for purposes of FAP, though it may be an eligibility factor for other Department programs or requirements. Petitioner's testimony established that she is not receiving FIP benefits or working an average of 20 hours per week in a position of paid employment, and there was no evidence she meets any of the other criteria that would render her eligible for FAP benefits while she is a full-time student at University. Therefore, Petitioner is an ineligible student for purposes of FAP, and the Department properly closed Petitioner's FAP case effective July 1, 2025.

As a final matter, Petitioner also disputed that she did not continue to receive FAP benefits pending the instant hearing. To continue to receive FAP benefits pending the hearing, the Request for Hearing must be received by the Department within 10 days of the date the NOCA was issued. BAM 600 (July 2025), pp. 25 – 26. Here, the Department issued the NOCA on June 17, 2025, and received Petitioner's request for hearing on July 1, 2025, which was more than 10 days after the NOCA. Therefore, the Department acted in accordance with policy when it did not issue continued FAP benefits to Petitioner pending the hearing.

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 closed Petitioner FAP case based on her status as an ineligible student.

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://irs.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. 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. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via Electronic Mail:

Respondent

OAKLAND COUNTY DHHS PONTIAC WOODWARD DIST
51111 WOODWARD AVE 5TH FL
PONTIAC, MI 48342
**MDHHS-OAKLAND-DISTRICT-IV-
HEARINGS@MICHIGAN.GOV**

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]