



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: August 23, 2019
MOAHR Docket No.: 19-007702
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 August 21, 2019, from Lansing, Michigan. Petitioner was represented by [REDACTED], an adult member of the household, and [REDACTED], the grantee of the benefit group. The Department of Health and Human Services was represented by Valarie Foley.

ISSUE

Did the Department of Health and Human Services (Department) properly determine the size and composition of the Food Assistance Program (FAP) benefit 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 May 30, 2019, the Department sent written notice that [REDACTED] has failed to meet the Time Limited Food Assistance requirements (TLFA) for three months. Exhibit 1.
2. On May 30, 2019, the Department sent written notice that [REDACTED] had failed to meet the Time Limited Food Assistance (TLFA) requirements for three months. Exhibit 1.
3. On May 30, 2019, the Department sent written notice that [REDACTED] and [REDACTED] were disqualified from the Food Assistance Program (FAP) group after using three Time Limited Food Assistance (TLFA) months effective June 1, 2019. Exhibit 2.

4. On July 16, 2019, the Department received Petitioner's request for a hearing protesting the reduction of the monthly allotment of Food Assistance Program (FAP) benefits as a group of one. Exhibit 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.

All FAP individuals age 18 through 49 are Time-Limited Food Assistance (TLFA) unless deferred. A TLFA individual must meet specific work requirements to receive benefits. Failure to do so limits the individual's Food Assistance Program (FAP) eligibility to three months within a 36-month period. TLFA individuals who meet all other FAP eligibility criteria are eligible for three countable months of FAP benefits during a 36-month period. Department of Health and Human Services Bridges Eligibility Manual (BEM) 620 (January 1, 2019), pp 1-2.

Petitioner was part of a FAP group of three people when the Department notified the group that two people in the household had not met TLFA requirements for three months. The Department sent notice that the benefit grantee would continue to receive FAP benefits, but as a group of one.

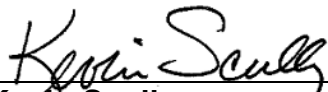
Petitioner testified that she is not capable of performing work. Petitioner failed to present any evidence of her inability to meet the TLFA requirements. Petitioner failed to present evidence that she provided the Department with verification of her inability to work, and could not recall when or if she had provided any documentation to the Department.

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 determined the household's eligibility for Food Assistance Program (FAP) benefits effective June 1, 2019.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/hb



Kevin Scully
Administrative Law Judge
for Robert Gordon, Director
Department of Health and Human Services

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

DHHS

Susan Noel
26355 Michigan Ave
Inkster, MI 48141

Wayne County (District 19), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Authorized Hearing Rep.

[REDACTED]
[REDACTED] MI [REDACTED]

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]