



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: September 9, 2019
MOAHR Docket No.: 19-008514
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 September 5, 2019, from Lansing, Michigan. The Petitioner was represented by herself. [REDACTED] [REDACTED] also appeared and testified. [REDACTED] [REDACTED] served as Arabic language interpreter. The Department of Health and Human Services (Department) was represented by Valerie Foley, Hearing Facilitator. Department Exhibit 1, pp. 1-22 was received and admitted.

ISSUE

Did the Department properly determine Petitioner's 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. Notice of Case Action was sent to Petitioner informing her she was eligible for FAP benefits in the amount of \$57 per month. (Ex. 1, pp. 18-22)
2. On August 2, 2019, Petitioner requested hearing disputing the amount of FAP benefits.
3. Petitioner receives \$ [REDACTED] per month in social security benefits.
4. Petitioner receives \$ [REDACTED] per month in rental income.
5. Petitioner's daughter receives \$ [REDACTED] per month in employment income.

6. Petitioner has housing expense of \$639 per month.

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.

Bridges counts the gross amount of current SSA-issued SSI as unearned income. SSI amounts withheld to recoup overpayments due to an intentional program violation (IPV) as defined below are also included in the gross amount. BEM 503

In this case, Petitioner disputed the amount of her FAP allotment. Petitioner's household receives \$[REDACTED] in unearned income and \$[REDACTED] in earned income. After deducting the \$[REDACTED] earned income deduction, \$168 standard deduction and \$139 excess shelter deduction, Petitioner has \$[REDACTED] in net income. A household of 4 who has \$[REDACTED] in net income is entitled to \$57 in monthly FAP benefit. This is the amount determined by the Department and it is proper and correct. RFT 260, BEM 556, 7 CFR § 273.9

Petitioner testified at hearing that the amount of rental income has been reduced. Petitioner was advised to report changes in rental income to the Department. Petitioner raised issues with regard to the amount of social security income that was budgeted. Petitioner has money taken out of her social security benefits due to a previous overpayment. Department policy requires that the amount Petitioner is entitled to prior to the reduction be used for the purpose of budgeting FAP benefits. BEM 503

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 Petitioner's FAP benefits.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
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
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Petitioner

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