



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: August 28, 2019  
MOAHR Docket No.: 19-007698  
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 August 21, 2019, from Lansing, Michigan. The Petitioner was represented by his mother, [REDACTED]. The Department of Health and Human Services (Department) was represented by Laura Joiner, AP Supervisor. Patricia Vigil, Eligibility Specialist, also appeared and testified. Department Exhibit 1, pp. 1-18 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. On [REDACTED] 2019, Petitioner applied for FAP benefits.
2. On February 19, 2019, FAP benefits were approved for \$15 per month effective March 1, 2019.
3. On July 17, 2019, Petitioner requested a hearing.
4. Petitioner's FAP benefits were increased to \$72 per month effective August 1, 2019, after he submitted shelter expense verifications regarding utilities in July 2019.

5. Petitioner's FAP benefits were increased to \$82 per month effective September 1, 2019, after he submitted medical expense verification in August 2019.

### **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.

#### **Deadlines for Requesting a Hearing All Programs**

The client or AHR has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received in the local office within the 90 days. BAM 600

In this case, Petitioner was awarded FAP benefits beginning in March 2019 pursuant to a January 2019 application. Petitioner's mother asserted at hearing that Petitioner should be entitled to \$192 in FAP benefits per month going back to February 2019. Petitioner's mother alleged that she provided information about utility expenses and medical expenses prior to July 2019 but provided no evidence to support this contention.

Petitioner requested hearing on July 17, 2019. The undersigned Administrative Law Judge only has jurisdiction to address issues that arose within 90 days of Petitioner's request for hearing. BAM 600 Petitioner's contentions that his FAP benefits were not determined correctly from February 2019 to April 2019 are untimely. Issues were raised regarding Petitioner's FAP benefits in the State of Missouri, the undersigned Administrative Law Judge has no jurisdiction to address those issues. Issues were raised regarding Petitioner's Home Help Services benefits. The undersigned Administrative Law Judge has no jurisdiction to address those issues.

In this case, Petitioner's disputed the amount of Petitioner's FAP allotment. Petitioner disputed the income amount budgeted by the Department, but the Department presented sufficient evidence to establish that Petitioner receives \$█ in SSI and the quarterly SSI Supplement which averages \$14 per month. Petitioner receives \$█ monthly in unearned income. After deducting the \$158 standard deduction, and excess shelter deduction of \$230 Petitioner has \$█ in net income. A recipient who has \$█ in net income is entitled to \$72 in monthly FAP benefit. This is the amount determined

by the Department for August 2019 and it is proper and correct. RFT 260, BEM 556, 7 CFR § 273.9 Prior to August 2019, Petitioner did not verify utility expense or medical expenses in writing and was only entitled to \$15 per month in FAP benefit.


At the hearing, the Department stated that Petitioner would be eligible for \$82 per month in FAP benefits beginning in September 2019, after verification of medical expenses were received. If Petitioner disagrees with that determination, he has an opportunity to request another hearing.

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

  
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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**

Jeannene Gatties  
57150 Cty. Rd. 681  
Hartford, MI  
49051

Van Buren County DHHS- via electronic  
mail

BSC3- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

**Petitioner**

[REDACTED]  
[REDACTED], MI  
[REDACTED]

**Authorized Hearing Rep.**

[REDACTED]  
[REDACTED], MI  
[REDACTED]