



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: February 18, 2020
MOAHR Docket No.: 20-000379
Agency No.: ██████████
Petitioner: ██████████ ██████████

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 February 13, 2020, from Lansing, Michigan. Petitioner was represented by herself. The Department of Health and Human Services was represented by Eileen Kott and Denise Newsom.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for 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 ██████████ 2020, the Department received Petitioner's application for Food Assistance Program (FAP) benefits as a household of three. Exhibit A, pp 7-13.
2. Petitioner has an obligation to pay rent in the monthly amount of \$444. Exhibit A, p 12.
3. Petitioner received earned income from employment in the gross weekly amounts of \$██████████ on January 10, 2020, \$██████████ on January 3, 2020, \$██████████ on December 27, 2019, and \$██████████ on December 20, 2019. Exhibit A, p 42.
4. Petitioner's child receives SSI and cash assistance in the gross monthly amount of \$██████████

5. On January 10, 2020, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits as of January 9, 2020. Exhibit A, pp 15-19.
6. On January 14, 2020, the Department received Petitioner's request for a hearing protesting the denial of Food Assistance Program (FAP) benefits. 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).

All earned and unearned income available is countable unless excluded by policy. Earned income means income received from another person or organization or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (July 1, 2017).

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15. Department of Human Services Bridges Eligibility Manual (BEM) 505 (October 1, 2017), pp 7-8.

On [REDACTED] 2020, the Department received Petitioner's application for FAP benefits as a household of three. Petitioner receives earned income in the gross monthly amount of \$[REDACTED] which was determined by multiplying the average of her gross weekly paychecks over the previous 30 days by the 4.3 conversion factor as directed by BEM 505. Petitioner's child, a mandatory group member, receives cash assistance and SSI benefits in the gross monthly amount of \$[REDACTED] which was not disputed during the hearing. Petitioner's adjusted gross income of \$[REDACTED] was determined by reducing her total monthly income by the 20% earned income deduction and the \$161 standard deduction.

Petitioner has a \$444 monthly obligation for rent, and she is entitled to the \$518 standard heat and utility deduction. Since these shelter expenses are less than half other gross monthly income, Petitioner is not entitled to a monthly shelter deduction.

Therefore, Petitioner's net income is the same and her adjusted gross income. A household of three with a net income of \$[REDACTED] is not eligible for any FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2019), p 26.

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 that Petitioner is not eligible for Food Assistance Program (FAP) benefits as of January 9, 2020.

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

Wayne County (District 76) via electronic mail

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

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