



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: February 28, 2020  
MOAHR Docket No.: 20-000528  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Jeffrey Kemm

**HEARING DECISION**

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on February 27, 2020, from Lansing, Michigan. Petitioner, [REDACTED], appeared with his spouse, [REDACTED]. Respondent, Department of Health and Human Services (Department), had Maia Elvine-Fair, Assistance Payments Supervisor, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 27-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

**ISSUE**

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefit amount when the Department determined that Petitioner was eligible for a \$16.00 monthly FAP benefit effective December 1, 2019?

**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 FAP benefit recipient.
2. Petitioner lives with his spouse. Petitioner receives \$ [REDACTED] per month from social security. Petitioner's spouse receives \$ [REDACTED] per month from a pension, and \$ [REDACTED] per month from gratuities. Petitioner and his spouse have a mortgage expense of \$525.00 per month, homeowner's insurance of \$100.00 per month, and property taxes of \$125.00 per month. Petitioner and his spouse are responsible for paying for their own heating/cooling utilities.

3. On December 6, 2019, the Department received a completed redetermination packet from Petitioner. The Department used the information in the packet to determine Petitioner's FAP benefit amount. The Department determined that Petitioner was eligible for a FAP benefit of \$16.00 per month for a household size of two.
4. On January 16, 2020, Petitioner requested a hearing to dispute his FAP benefit amount.

### **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) 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 administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

The Department determines a client's monthly FAP benefit amount by determining the client's group size and countable household income and then looking that information up in its applicable Food Issuance Table. BEM 212 (July 1, 2019), BEM 213 (January 1, 2019), BEM 550 (January 1, 2017), BEM 554 (October 1, 2019), BEM 556 (July 1, 2019), RFT 255 (October 1, 2019), and RFT 260 (October 1, 2019). Based on Petitioner's group size of two, Petitioner's household income of \$[REDACTED] per month, and Petitioner's housing expenses of \$750.00 per month, the maximum FAP benefit Petitioner was eligible for was \$16.00 per month. Thus, the Department properly determined Petitioner's FAP benefit amount in accordance with its policies and the applicable law.

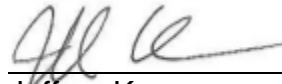
### **DECISION AND ORDER**

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 did act in accordance with its policies and the applicable law when the Department determined

that Petitioner was eligible for a \$16.00 monthly FAP benefit effective December 1, 2019.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/ml



---

Jeffrey Kemm  
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**

Washtenaw (District 20) County DHHS –  
Via Electronic Mail

M. Holden – Via Electronic Mail

D. Sweeney – Via Electronic Mail

**Petitioner**

[REDACTED] – Via First Class Mail  
[REDACTED] MI [REDACTED]