



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 24, 2020
MOAHR Docket No.: 20-000530
Agency No.: ██████████
Petitioner: ██████████ ██████████

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 February 19, 2020, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Corliss Tripp-Watson, AP Supervisor. Rachel Julks, AP Worker, and Tanisha Titian, AP Worker, also appeared and testified for the Department. Department Exhibit 1, pp. 1-40 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 ██████████ ██████████ 2019, Petitioner applied for FAP benefits.
2. On December 12, 2019, Notice of Case Action was sent to Petitioner informing her that FAP benefits were approved in the amount of \$16 per month.
3. On January 7, 2020, Petitioner requested hearing disputing the determination of FAP benefits.
4. Petitioner receives \$██████████ in social security benefits.
5. Petitioner's son earns \$██████████ per month in employment income.

6. Petitioner pays \$338 per month in rent and is responsible for utilities.

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.

With regard to the Petitioner's allotment of FAP benefits, the Petitioner did not dispute the amounts the Department used for income and shelter expense. The Department presented sufficient evidence to establish that Petitioner receives \$[REDACTED] in unearned income in the form of social security benefits and \$[REDACTED] in employment income. After deducting the \$161 standard deduction, Petitioner has \$[REDACTED] in net income. A household of two that has \$[REDACTED] in net income is entitled to \$16 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 raised issues with regard to the September 2019 closure of FAP benefits. That closure was more than 90 days prior to the request for hearing and is therefore untimely. BAM 600

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 benefit.

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

Yaita Turner
51111 Woodward Ave 5th Floor
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48342

Oakland 4 County DHHS- via electronic
mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

██████████ - via first class mail
██████████
██████████, MI
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