



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: May 8, 2020
MOAHR Docket No.: 20-001137
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 May 7, 2020. Petitioner, [REDACTED] [REDACTED] appeared and represented himself. Respondent, Department of Health and Human Services (Department), had Jennifer Savo, Assistance Payments Supervisor, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 17-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 \$19.00 monthly FAP benefit effective February 1, 2020?

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 daughter, but they do not purchase and prepare food together. Petitioner receives \$ [REDACTED] per month from social security. Petitioner pays \$ [REDACTED] per month for rent, and Petitioner is responsible for paying for

heating/cooling utilities in addition to rent. Petitioner has Medicare Part B, and the Department pays his premium through the Medicare Savings Program.

3. Petitioner was receiving a monthly FAP benefit of \$125.00 from the Department.
4. The Department then reviewed Petitioner's case and redetermined Petitioner's FAP benefit amount.
5. When the Department redetermined Petitioner's FAP benefit amount, the Department increased Petitioner's income to \$ [REDACTED] per month, removed a \$101.00 deduction for Medicare Part B premium, and adjusted his rent expense to \$ [REDACTED]. The Department determined that Petitioner was eligible for a FAP benefit of \$19.00 per month for a household size of one.
6. On January 28, 2020, the Department mailed a notice to Petitioner to notify him that his FAP benefit was going to change to \$19.00 per month effective February 1, 2020.
7. On January 31, 2020, Petitioner requested a hearing to dispute the change in 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, 2020), BEM 550 (January 1, 2017), BEM 554 (January 1, 2020), BEM 556 (January 1, 2020), RFT 255 (January 1, 2020), and RFT 260 (October 1, 2019). Based on Petitioner's group size of one, Petitioner's household income of \$ [REDACTED] per month, and Petitioner's housing expenses of \$ [REDACTED] per month, the maximum FAP benefit Petitioner was eligible for was \$19.00 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 \$19.00 monthly FAP benefit effective February 1, 2020.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/hb



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

Grand Traverse County

BSC1 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]