



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: May 15, 2020  
MOAHR Docket No.: 20-001294  
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. The hearing was adjourned on March 17, 2020. After due notice, telephone hearing was held on May 13, 2020, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Corlette Brown.

**ISSUE**

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility 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 December 31, 2019, the Department received Petitioner's Redetermination (DHS-1010) form. Exhibit A, pp 5-12.
2. On December 31, 2019, the Department received verification of the earned income Petitioner receives from both of her employers. Exhibit A, pp 17-32.
3. Petitioner received earned from employment in the gross weekly amount of \$██████████ on December 12, 2019, \$██████████ on December 5, 2109, \$██████████ on November 28, 2019, and \$██████████ on November 21, 2019. Exhibit A, pp 17-32.
4. Petitioner received earned income from another employer in the gross monthly amount of \$██████████ on December 6, 2019, \$██████████ on November 29, 2019, \$██████████ on November 22, 2019, and \$██████████ on November 15, 2019. Exhibit A, pp 17-32.

5. On February 3, 2020, the Department notified Petitioner that she was eligible for a \$21 monthly allotment of Food Assistance Program (FAP) benefits as a household of three. Exhibit A, pp 56-63.
6. On February 5, 2020, the Department received Petitioner's request for a hearing. Exhibit A, pp 3-4.

### **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.

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. Eligibility for some categories of Medical Assistance (MA) is based on Modified Adjusted Gross Income (MAGI), which is based on Internal Revenue Service (IRS) rules and relies on federal tax information to determine adjusted gross income. 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.

Petitioner was an ongoing FAP recipient on December 31, 2019, when the Department received her Redetermination form and copies of her paycheck stubs. Petitioner received earned from employment in the gross weekly amount of \$██████ on December 12, 2019, \$██████ on December 5, 2019, \$██████ on November 28, 2019, and \$██████

on November 21, 2019. Petitioner received earned income from another employer in the gross monthly amount of \$[REDACTED] on December 6, 2019, \$[REDACTED] on November 29, 2019, \$[REDACTED] on November 22, 2019, and \$[REDACTED] on November 15, 2019. Petitioner's prospective gross monthly income of \$[REDACTED] was determined by multiplying her average weekly income by the 4.3 conversion factor as directed by BEM 505. This is an increase of Petitioner's reported gross monthly income of \$[REDACTED] in July of 2019.

Petitioner's adjusted gross income of \$[REDACTED] was determined by reducing her total gross monthly income by the \$161 standard deduction.

Petitioner is entitled to a \$126 monthly deduction for shelter expenses, which was determined by reducing the total of her \$483 housing expense and the \$518 standard heat and utility deduction by 50% of her adjusted gross income.

Petitioner's net monthly income of \$[REDACTED] was determined by reducing her adjusted gross income by the shelter deduction. A group of three with a net income of \$[REDACTED] is entitled to a \$21 monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2019), p 23.


Petitioner testified that her circumstances have changed since the Department redetermined her eligibility for FAP benefits. As changes are reported to the Department, Petitioner's eligibility for FAP benefits may change, but the Department properly determined Petitioner's eligibility based on the information attached to the Redetermination form.

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 eligibility for the Food Assistance Program (FAP) effective February 1, 2020.

### **DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

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Kevin Scully  
Administrative Law Judge  
for Robert Gordon, Director  
Department of Health and Human Services

