



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: August 4, 2020  
MOAHR Docket No.: 20-004232  
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, telephone hearing was held on July 30, 2020, from Lansing, Michigan. Petitioner represented herself. The Department was represented by April Nemec.

**ISSUE**

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for the Food Assistance Program (FAP)?

**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 an ongoing Food Assistance Program (FAP) recipient as a household of one.
2. Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$██████ Exhibit A, pp 28-30.
3. Petitioner receives monthly pension in the gross monthly amount of \$██████ Exhibit A, p 31.
4. Respondent is responsible for housing expenses in the monthly amount of \$46.45, and she is responsible for heating expenses. Exhibit A, p 32.
5. On June 8, 2020, the Department received Petitioner's request for a hearing. Exhibit A, pp 7-9.

### **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.

When determining countable expenses towards eligibility for FAP benefits, the Department will only consider the medical expenses of senior/disabled/veterans in the eligible household. Recipients of FAP benefits are not required to but may voluntarily report medical expenses during the benefit period. Department of Health and Human Services Bridges Eligibility Manual (BEM) 554 (January 1, 2020), pp 8-9.

Petitioner is an ongoing FAP recipient as a household of one. Petitioner receives monthly RSDI in the gross monthly amount of [REDACTED] and a monthly pension in the gross monthly amount of \$[REDACTED]. Reducing Petitioner's total gross monthly income by the \$161 standard deduction leaves her with a \$1,033 adjusted gross income.

Petitioner previously was receiving credit for unverified medical expenses. When the unverified medical expenses were removed from the eligibility budget, Petitioner's eligibility for FAP benefits changes.

Petitioner is responsible for housing expenses in the monthly amount of \$46.45, and she is entitled to the standard \$518 heat and utility deduction. Because Petitioner's total shelter expenses are less than half of her adjusted gross income, she is not entitled to a deduction for shelter expenses.

Therefore, Petitioner's net monthly income is the same as her adjusted gross income. A household of one with a \$[REDACTED] net monthly income is entitled to a \$16 monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2019), p 15.

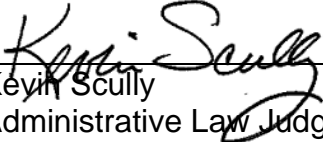
Petitioner testified that she had additional medical expenses that were not applied towards her FAP eligibility. Petitioner conceded that when she was placed in a category of Medicaid with a large monthly deductible, she stopped providing the Department with verification of her out of pocket medical expenses. Further, while unverified medical expenses were being applied towards her eligibility in error, unreported expenses had little effect on her eligibility. No evidence that Petitioner provided the Department with verification of current medical expenses was presented during the hearing. As Petitioner provided verification of current expenses, her eligibility for FAP may change.

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 Food Assistance Program (FAP) benefits as of July 1, 2020.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/nr

  
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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**

Tamara Morris  
125 E. Union St 7th Floor  
Flint, MI  
48502

Genesee Union St. County DHHS- via  
electronic mail

BSC2- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

**Petitioner**

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