



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
MI [REDACTED]

Date Mailed: September 1, 2020  
MOAHR Docket No.: 20-004583  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Janice Spodarek

### **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 August 13, 2020. Petitioner appeared unrepresented. The Department of Health and Human Services (Department) was represented by A.J. Evans, APS.

Department Exhibit A10 was offered and admitted into the record.

### **ISSUE**

Is the Department of Health and Human Services (DHHS) properly issuing 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. At all relevant times, Petitioner has been and is receiving a monthly FAP allotment of \$131.00.
2. On July 10, 2020, Petitioner filed a hearing request with indicating a reason for her appeal.
3. There has been negative action in Petitioner's case.

### **CONCLUSIONS OF LAW**

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.

General FAP budgeting DHHS policy is found at BEM 500, 530, and 550. Corresponding federal regulations are found at 7 CFR 273.10.

Individuals alleging eligibility for welfare benefits have the burden of proof by a preponderance of evidence standard. However, the Department has the initial burden of going forward to present sufficient evidence to support the action taken regarding the facts in dispute.

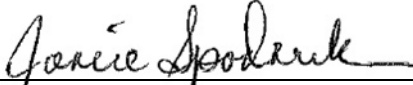
In this case, Petitioner filed a hearing request on July 10, 2020, for unknown reasons. At the administrative hearing, Petitioner did not dispute any of the income or deductions/expenses in her FAP budget. Petitioner was unsure as to why she requested a hearing; Petitioner did not articulate reviewable appeal reason.

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 is correctly issuing Petitioner's monthly FAP allotment. Thus, Petitioner's issuance is correct and is hereby upheld.

### **DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

JS/ml

  
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Janice Spodarek  
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**

Barbara Hamilton  
Lenawee County DHHS – via electronic  
mail

BSC4 – via electronic mail

M. Holden – via electronic mail

D. Sweeney – via electronic mail

**Petitioner**

[REDACTED] – via first class mail  
[REDACTED]  
MI [REDACTED]