



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: August 25, 2020  
MOAHR Docket No.: 20-004739  
Agency No.: [REDACTED]  
Petitioner: [REDACTED] [REDACTED]

**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 August 18, 2020. Petitioner represented herself. The Department was represented by Jennifer Depoy.

### **ISSUE**

Did the Department of Health and Human Services (Department) properly close 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. Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$ [REDACTED]
2. Petitioner receives monthly earned income in the gross monthly amount of \$ [REDACTED]
3. Petitioner is responsible for housing expenses of \$598 per month, and she is responsible for utilities separately from her housing expenses.
4. Petitioner is responsible for paying Medicare Part B premiums.
5. On July 10, 2020, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits effective August 1, 2020.
6. On July 15, 2020, the Department received Petitioner's request for a hearing protesting the closure of her Food Assistance Program (FAP) benefits.

## 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. Department of Human Services Bridges Eligibility Manual (BEM) 500 (July 1, 2017).

Petitioner was an ongoing FAP recipient as a household of one when the Department redetermined her eligibility for ongoing benefits. Petitioner received a gross monthly income of \$[REDACTED] which is the total of her earned income from employment and her social security benefits. The gross income limit for a household of one is \$1,354, but this limit does not apply to Petitioner due to her age. Petitioner is entitled to a \$161 standard deduction, a \$255 earned income deduction, and a \$127 medical expense deduction for her Medicare premiums less the \$35 standard deduction. After deductions, Petitioner has an adjusted gross income of \$[REDACTED].

Petitioner is not entitled to a deduction for shelter expenses because her \$598 housing expenses combined with the \$518 standard heat and utility deduction are less than half of her adjusted gross income.

Therefore, Petitioner's net monthly income after expense deductions is the same as her adjusted gross income. A household one with a net monthly income of \$[REDACTED] is not entitled to any FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 250 (October 1, 2019), p 1.

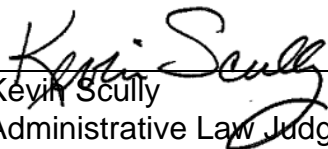
Petitioner testified that she would not be working in the future due to health concerns. As Petitioner's circumstances change, her eligibility for FAP benefits may change in the future.

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 closed Petitioner's Food Assistance Program (FAP) benefits effective August 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 Little  
301 E. Louis Glick Hwy.  
Jackson, MI  
49201

Jackson County DHHS- via electronic mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

**Petitioner**

██████████ - via first class mail

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██████████, MI

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