



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: December 17, 2020  
MOAHR Docket No.: 20-006907  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

### **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 December 10, 2020, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Elissa Akins, Eligibility Specialist. Department Exhibit 1, pp. 1-15 was received and admitted.

### **ISSUE**

Did the Department properly reduce Petitioner's Food Assistance Program (FAP) benefit?

### **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 was a recipient of FAP benefits receiving \$100 per month.
2. On September 12, 2020, Notice of Case Action was sent to Petitioner informing him that his FAP benefits would be reduced to \$40 per month effective October 1, 2020.
3. On November 4, 2020, Petitioner requested hearing disputing the reduction of FAP benefits.
4. Petitioner pays \$221 per month in rent and utilities are included.

## 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.

### **Michigan Combined Application Project (MiCAP) BEM 618**

The MiCAP Food Assistance Program (FAP) monthly benefit amount and shelter expenses is now a three-tier benefit amount. If an individual's total shelter expenses (shelter plus heat and utility expenses) are:

- Below \$525, the FAP benefit is \$40 per month.
- Between \$525 to \$749 the FAP benefit is \$105 per month.
- Equal to or exceed \$750, the FAP benefit amount is \$185 per month.

*Reason:*

FNS benefit change. October 2020

MOAHR will not grant a hearing regarding the issue of a mass update required by state or federal law unless the reason for the request is an issue of incorrect computation of program benefits or patient-pay amount. Central office may issue separate instructions regarding deletion of pending negative actions and forwarding of hearing requests to MOAHR for disposition. BAM 600

In this case, following an update from FNS, Petitioner was only entitled to \$40 per month because his shelter expense is below \$525 per month. Petitioner acknowledged the amount of his rental obligation and confirmed that he is not responsible for utilities. The reduction of FAP benefits was proper and correct and consistent with Department policy. BEM 618

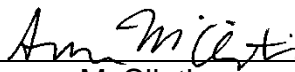
In addition, the reduction of Petitioner's FAP benefits was due to a mass update and Petitioner was not entitled to a hearing. BAM 600

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 reduced Petitioner's FAP benefits from \$100 to \$40 per month.

**DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.

AM/nr



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Aaron McClintic  
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**


Nicolette Vanhavel  
235 S Grand Ave Ste 1207  
Lansing, MI  
48933

DHHS MI-CAP SSPC- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

**Petitioner**

 via first class mail  
, MI