



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

Date Mailed: March 19, 2021
MOAHR Docket No.: 20-008830
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On September 4, 2020, Petitioner, [REDACTED], requested a hearing to dispute the Department's decision to approve him for Food Assistance Program (FAP) benefits of \$16.00 per month. As a result, a hearing was scheduled to be held on March 17, 2021, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented himself. Respondent, Department of Health and Human Services (Department), had Chrissie Johnston, Supervisor, and Julie Parent, Caseworker, appear as its representatives. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 25-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Whether the Department properly determined Petitioner's FAP benefit amount when it approved him for a FAP benefit of \$16.00 per month?

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 [REDACTED] 2020, Petitioner applied for FAP benefits.
2. On [REDACTED] 2020, the Department interviewed Petitioner to gather information to process his application for FAP benefits.
3. Based on the information Petitioner provided, the Department determined that (a) Petitioner had a household size of one, (b) Petitioner was a senior, (c) Petitioner's gross income consisted of \$1,302.00 per month from social security,

(d) Petitioner paid a winter property tax bill of \$322.25 in 2020, and (e) Petitioner was responsible for paying for his utilities (including heating and cooling).

4. Petitioner also advised that he had a home insurance expense, but Petitioner was unable to provide any information to verify that he had a current home insurance expense. Petitioner provided a statement, but it was from an expired policy, so it could not be used to verify Petitioner's current expense.
5. The Department took the information it obtained from Petitioner and budgeted his income to determine his FAP benefit amount.
6. The Department determined that Petitioner was eligible for a FAP benefit of \$16.00 per month.
7. On July 17, 2020, the Department issued a notice of case action to advise Petitioner that he was approved for a FAP benefit of \$16.00 per month, effective July 1, 2020.
8. On September 4, 2020, Petitioner requested a hearing to dispute his FAP benefit amount.

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) 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 administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

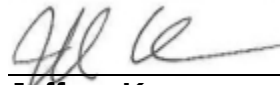
The Department determines a client's monthly FAP benefit amount by determining the client's group size and countable household income, and then looking that information up in its applicable Food Issuance Table. BEM 212 (July 1, 2019), BEM 213 (January 1, 2020), BEM 550 (January 1, 2017), BEM 554 (July 1, 2020), BEM 556 (January 1, 2020), RFT 255 (January 1, 2020), and RFT 260 (October 1, 2019). Here, there is no evidence that the Department did not properly determine Petitioner's FAP benefit. Petitioner did not present any evidence to establish that his household income or allowable expenses were different than those used by the Department, and Petitioner did not present any evidence to establish that his group size was greater than that used by the Department. Based on a review of the budget used by the Department, and the applicable Food Issuance Table, the Department used the correct standard deductions and correctly determined Petitioner's FAP benefit amount based on his countable household income and group size.

DECISION AND ORDER

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 did act in accordance with its policies and the applicable law when it determined Petitioner's food assistance benefit amount.

IT IS ORDERED the Department's decision is **AFFIRMED**.

JK/cc



Jeffrey Kemm

Administrative Law Judge
for Elizabeth Hertel, 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

Via Email:

MDHHS-906WestHearings
BSC1-HearingDecisions
D. Sweeney
M. Holden
MOAHR

Petitioner- Via USPS:

