



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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Date Mailed: May 3, 2019
MOAHR Docket No.: 19-003470
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: John Markey

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 May 2, 2019, from Detroit, Michigan. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Stephanie Rockwell, Family Independence Manager. During the hearing, a 25-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-25.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits case, effective March 1, 2019?

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 an ongoing recipient of FAP benefits.
2. At all times relevant to this matter, Petitioner was working full-time for ██████████ earning a salary of \$1,150 every two weeks. He was also paying child support totaling \$374 every two weeks and alimony totaling \$500 per month.
3. On January 4, 2019, the Department issued to Petitioner a Redetermination form to gather relevant information regarding Petitioner's ongoing eligibility for FAP

benefits. Petitioner returned the completed Redetermination form and any requested verifications in a timely manner. Exhibit A, pp. 3-10.

4. On March 20, 2019, the Department issued to Petitioner a Notice of Case Action informing Petitioner that his FAP case was closing, effective March 1, 2019, as a result of Petitioner's gross income exceeding the limit for program eligibility. Exhibit A, pp. 16-20.
5. On [REDACTED], 2019, Petitioner submitted to the Department a request for hearing objecting to the Department's closure of his FAP case.

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.

In this case, Petitioner was an ongoing recipient of FAP benefits in a household of one. His benefits were certified through the end of February 2019. In order to continue receiving benefits beyond the end of February 2019, Petitioner's case had to be redetermined. Accordingly, the Department began the redetermination process by issuing to Petitioner the January 4, 2019, Redetermination. Petitioner returned the completed form and all requested verifications in a timely manner. Based on Petitioner's submissions showing he earned \$1,150 in wages every two weeks, the Department determined that Petitioner's income exceeded the gross income limit for FAP benefits for a group of one.

The Department must redetermine or renew a client's eligibility for FAP benefits by the end of each benefit period. BAM 210 (January 2018), pp. 1, 3. The redetermination process includes thorough review of all eligibility factors. BAM 210, p. 1. In order to certify a new benefit period, the Department must receive the completed form along with all required verifications. BAM 210, p. 11.

Petitioner acknowledged at the hearing that he had \$1,150 in earned income every two weeks. On a monthly basis, that equals \$2,472.50 in income. In order for a group size of one such as Petitioner's to be eligible for FAP benefits, that group must be under the gross income limit. BEM 550 (January 2017), p. 1. The gross income limit applicable to Petitioner is \$1,784 per month. As Petitioner's self-reported and verified income greatly

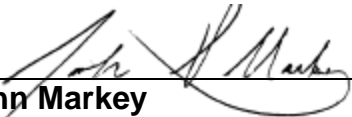
exceeds that amount, Petitioner is ineligible for FAP benefits. Thus, the Department correctly determined that Petitioner's gross income exceeds the limit for program eligibility and closed his FAP benefits case. Petitioner's expenses would only be factored into the equation if Petitioner's income was at or below the gross income limit. However, because his gross income exceeded the limit, his expenses are irrelevant to this matter.

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 FAP case, effective March 1, 2019.

DECISION AND ORDER

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

JM/cg



John Markey
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

Via Email:

MDHHS-Tuscola-Hearings
M. Holden
D. Sweeney
BSC2- Hearing Decisions
MOAHR

Petitioner – Via First-Class Mail:

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