



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: October 17, 2019
MOAHR Docket No.: 19-009807
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 October 9, 2019, from Lansing, Michigan. Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Markita Mobley, Hearing Facilitator, Tiffany Willingham, Eligibility Specialist, and Sahnaj Chowdhuri, Interpreter. Department Exhibit 1, pgs. 5-21, was introduced and made a part of the record.

ISSUE

Did the Department properly determine that Petitioner was not eligible for Food Assistance Program (FAP) benefits due to excess income?

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], 2019, Petitioner applied for FAP.
2. On August 20, 2019, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS-1605, that his application was denied because Petitioner had excess income for FAP benefits. Department Exhibit 1, pgs. 5-8.
3. On September 3, 2019, the Department received a hearing request from Petitioner, contesting the Department's negative action.

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 submitted the required verifications to determine FAP eligibility. He presented check stubs from July 5, 2019, of \$1,679, July 19, 2019, of \$1,259.25, and August 2, 2019, of \$1,454.75. Department Exhibit 1, pgs. 11-13. Petitioner submitted written verification of his rental lease that showed a rental obligation of \$380 a month. Department Exhibit 1, pgs. 14-17. He also submitted a [REDACTED] bill, which qualified him for the heat and utility standard deduction. Department Exhibit 1, pg. 18.

After deductions from his gross income of \$2,917 of \$584 earned income deduction and \$168 standard deduction for an adjusted gross income of \$2,165. Petitioner was given a total shelter deduction of \$923, resulting from a housing expense of \$380 and heat and utility standard of \$543. Petitioner was given an adjusted excess shelter deduction of \$0, with a total shelter deduction of \$923 minus 50% of adjusted gross income of \$1,082. Petitioner had a net income of \$2,165, which was the adjusted gross income of \$2,165 minus the excess shelter deduction of \$0. With a net income of \$2,165, Petitioner with a household group size of four had excess income because he was over the net income limit of \$2,092. Department Exhibit 1, pgs. 19-21.

During the hearing, Petitioner stated that he had an increase in his rental agreement of \$593.70, but he failed to notify the Department. In addition, Petitioner did not present written verification of the rental increase as reflected in the lease submitted with his FAP application. As a result, the Department actions stand. Petitioner is eligible to reapply for FAP benefits and to include his new rental expenses. BAM 110, 115, and 600. BEM 550, 554, and 556.

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 acted in accordance with Department policy when it determined that Petitioner had excess income for FAP benefits.

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

CF/hb



Carmen G. Fahie
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

Keisha Koger-Roper
12140 Joseph Campau
Hamtramck, MI 48212

Wayne County (District 55), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

