



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: October 17, 2019  
MOAHR Docket No.: 19-009911  
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. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Laura Koetsier, Family Independence Specialist and Becky Fraser, Family Independence Manager. Department Exhibits 1, pgs. 5-32 were introduced and made a part of the record.

### **ISSUE**

Did the Department properly determine Petitioner's eligibility for 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. On [REDACTED], 2019, Petitioner applied for FAP benefits, where she stated that she was employed, but homeless. Department Exhibit 1, pgs. 16-17.
2. On July 10, 2019, the Department Caseworker interviewed Petitioner who stated that she did not have a permanent address, but pays rental expenses from place to place, which made her not qualify for the rental expense deduction.

3. On July 10, 2019, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, indicating that she was eligible for a household group of two for \$17 for the month of July 2019 and \$23 from August 2019 forward. Department Exhibit 1, pgs. 5-9.
4. On July 20, 2019, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that she was eligible for a household group of two for \$15 for the month of September 2019 forward. Department Exhibit 1, pgs. 10-14.
5. On September 4, 2019, the Department received a hearing request from the 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 was homeless with no permanent address. During the hearing, she testified that she stayed with friends and paid rental expenses to be able to stay there with her son. She also stayed at hotels. As a result, Petitioner was not eligible for the rental income deduction because she did not have a permanent address.

During the hearing, Petitioner stated that effective August 2019 that she had a permanent address that she tried to upload to BRIDGES. There was no change of address uploaded on BRIDGES. Petitioner did not call, mail, or email her Department Caseworker. Therefore, the Department was not put on notice that Petitioner had a permanent address. BAM 105, 110, 130, 210, and 600. BEM 550 and 554.

### **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 was not eligible for the rental income deduction because she did not have a permanent address.

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

CF/



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**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**

Kimberly Kornoelje  
121 Franklin SE  
Grand Rapids, MI 49507

Kent County, DHHS

BSC3 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

[REDACTED]  
[REDACTED], MI [REDACTED]