



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: January 28, 2020
MOAHR Docket No.: 19-013329
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on January 23, 2020, from Lansing, Michigan. Petitioner represented himself. The Department of Health and Human Services was represented by Donna Rojas.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for Food Assistance Program (FAP) and State Supplemental Security Income (SSP)?

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, the Department received Petitioner's application for assistance. Exhibit A, pp 3-8.
2. On August 7, 2019, the Department notified Petitioner that he was eligible for Food Assistance Program (FAP) benefits based on his receipt of no income. Exhibit A, pp 18-22.
3. Petitioner is a Supplemental Security Income (SSI) recipient, but these benefits were interrupted while he was incarcerated from September 26, 2018, through August 7, 2019. Exhibit A, pp 9-10.
4. Petitioner received State Supplemental Security Income (SSP) in the amount of \$14 for September of 2019, and \$42 for the months of October, November, and December of 2019.

5. Petitioner receives monthly Supplemental Security Income (SSI) in the gross monthly amount of \$771 and State Supplemental Security Income (SSP) in the gross monthly amount of \$14. Exhibit A, p 23.
6. On August 21, 2018, the Department notified Petitioner that he was eligible for a \$15 monthly allotment of Food Assistance Program (FAP) benefits as of October 1, 2019. Exhibit A, pp 26-30.
7. On December 17, 2019, the Department received Petitioner's request for a hearing.

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.

The State SSI Payments (SSP) program is established by 20 CFR 416.2001-.2099 and the Social Security Act, 42 USC 1382e. The Department administers the program pursuant to MCL 400.10.

Petitioner identified State Disability Assistance (SDA) as the Department program he was protesting on his December 17, 2019, request for a hearing, but it is apparent from his circumstances that Petitioner is actually protesting his eligibility for SSP benefits.

Petitioner was an SSP recipient based on his SSI benefits, but his eligibility for SSP was interrupted while he was not eligible for SSI benefits due to an incarceration. On August 7, 2019, Petitioner's incarceration ended, he reapplied for FAP, and became eligible for SSI and SSP benefits. Petitioner was approved for FAP before his SSI benefits were restored sometime in September of 2019, and he began receiving FAP benefits.

Petitioner received SSP benefits for the months of September through December of 2019, with a \$14 allotment of SSP for each of those months. This was based on his receipt of SSI benefits from the Federal government in those months, and he was not issued SSP benefits in other months because he was not eligible for SSI benefits.

On August 21, 2018, the Department determined that Petitioner's SSI in the gross monthly amount of \$771 and his SSP in the gross monthly amount of \$14 had been

restored. Petitioner's gross income was reduced by the \$161 standard deduction leaving him with an adjusted gross income of \$624. Petitioner did not report any out of pocket medical, childcare, or housing expenses on his August 7, 2019, application for assistance. With no verified expenses allowable by policy, Petitioner's net monthly income is the same as his adjusted gross income.

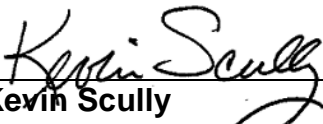
A group of one with a net income of \$624 is entitled to a \$16 monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2019), p 9.

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 only eligible for SSP benefits in the months that he received SSI benefits. The Department also acted in accordance with Department policy when it determined Petitioner's eligibility for FAP benefits effective October 1, 2019.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/hb



Kevin Scully
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], MI [REDACTED]