



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR



Date Mailed: January 30, 2020  
MOAHR Docket No.: 19-013334  
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 January 23, 2020, from Lansing, Michigan. Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Juanita Munoz, Hearing Facilitator.

### **ISSUE**

Did the Department properly determine Petitioner's eligibility for the Food Assistance Program (FAP)?

### **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 a recipient of FAP benefits of \$194.00.
2. On September 10, 2019, the Department Caseworker received Petitioner's Mid-Certification Contact Notice, DHS-2240A, to determine continued FAP eligibility. Department Exhibit 1, pgs. 3-5.
3. On December 7, 2019, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that his FAP benefits were reduced to \$42 per month effective January 1, 2020 until October 31, 2020 due to his unearned income, rent, and not being responsible for heat and utilities. Department Exhibit 1, pgs. 9-13.

4. On December 17, 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 had a decrease in FAP benefits as a result of no heat and utility requirement in his rent. Petitioner had unearned income of \$797.00 from Social Security (SSI) of \$704.70, \$15 State Supplement, and SSI Overissuance repayment of \$78.30. In addition, Petitioner's heat and utility was included in his rent payment of \$450.00.

After deductions from his gross income of \$797.00 of \$161.00 standard deduction for an adjusted gross income of \$636.00. Petitioner was given a total shelter deduction of \$450.00, resulting from a housing expense of \$450.00. Petitioner was given an adjusted excess shelter deduction of \$132.00, with a total shelter deduction of \$450.00 minus 50% of adjusted gross income of \$318.00.

Petitioner had a net income of \$504.00, which was the adjusted gross income of \$636.00 minus the excess shelter deduction of \$132.00. With a net income of \$504.00, Petitioner qualified with a household group size of 1 for a maximum benefit of \$194 plus \$0 in economic recovery minus 30% of net income of \$152.00, resulting in a net benefit amount of \$42. The Department correctly determined Petitioner's eligibility for FAP based on his income and rent payment. Department Exhibit 2, pgs. a-d. BEM 500, 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 had excess income from unearned income and no heat and utility payment resulted in a decrease of his FAP benefits from \$194.00 to \$42.00.

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

CF/hb



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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**

Jeanette Cowens  
2524 Clark Street  
Detroit, MI 48209

Wayne County (District 41), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]