



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: June 17, 2020
MOAHR Docket No.: 20-001863
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; 7 CFR 273.15; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on June 17, 2020. Petitioner, [REDACTED], appeared and represented himself. Respondent, Department of Health and Human Services (Department), had Amber Gibson, Hearing Facilitator, appear as its representative. Neither party had any additional witnesses. [REDACTED], Bari interpreter, interpreted the hearing.

One exhibit was admitted into evidence during the hearing. A 13-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUES

Did the Department properly reduce Petitioner's Food Assistance Program (FAP) benefits to \$309.00 per month, effective March 1, 2020, due to increased income from cash assistance?

Did the Department properly reduce Petitioner's Food Assistance Program (FAP) benefits to \$62.00 per month, effective May 1, 2020, due to increased income from employment?

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 has a household size of three, including Petitioner, his spouse, and one child.

2. On February 14, 2020, the Department approved Petitioner for cash assistance.
3. When the Department approved Petitioner for cash assistance, the Department reviewed his FAP benefits and determined that his FAP benefits had to be reduced due to his increase in household income from cash assistance.
4. On February 14, 2020, the Department mailed a notice of case action to Petitioner to notify him that he was approved for \$492.00 per month (effective February 1, 2020) for cash assistance and that his FAP benefit was going to be decreased to \$409.00 per month (effective March 1, 2020) due to his increase in household income from cash assistance.
5. On March 12, 2020, Petitioner requested a hearing to dispute the decrease in his FAP benefits.
6. Petitioner obtained employment.
7. The Department reviewed Petitioner's FAP benefits and determined that his FAP benefits had to be reduced due to his increase in household income from employment. The Department reduced Petitioner's FAP benefit to \$62.00 per month, effective May 1, 2020.
8. Due to the pandemic, all FAP benefit recipients – including Petitioner – will receive the maximum FAP benefit amount for their household size through June 2020.

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) 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 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, the Department reduced Petitioner's FAP benefit after his household income increased. In general, when household income increases, the household's maximum FAP benefit decreases. Petitioner is disputing the Department's decision to reduce his FAP benefits.

The Department determines a client's monthly FAP benefit amount by determining the client's group size and countable household income and then looking that information up in its applicable Food Issuance Table. BEM 212 (July 1, 2019), BEM 213

(January 1, 2020), BEM 550 (January 1, 2017), BEM 554 (January 1, 2020), BEM 556 (July 1, 2020), RFT 255 (January 1, 2020), and RFT 260 (October 1, 2019).

Petitioner did not present any evidence to establish that the Department did not properly determine his FAP benefit amount. Petitioner did not present any evidence to establish that the Department did not use the proper group size, that the Department did not budget the correct housing expenses, or that the Department did not budget the correct household income. Since Petitioner did not present any evidence to establish that the Department did not properly determine his FAP benefit amount, I must find that the Department properly reduced Petitioner's FAP benefit amount.

Although the Department properly reduced Petitioner's FAP benefit amount, all FAP benefit recipients – including Petitioner – will receive the maximum FAP benefit amount for their household size through June 2020 due to the pandemic.

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 did act in accordance with its policies and the applicable law when it reduced Petitioner's FAP benefit.

IT IS ORDERED that the Department's decision is AFFIRMED.

JK/ml



Jeffrey Kemm
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

Ingham County DHHS – Via Electronic
Mail

BSC2 – Via Electronic Mail

M. Holden – Via Electronic Mail

D. Sweeney – Via Electronic Mail

Petitioner

[REDACTED] – Via First Class
Mail

[REDACTED]
MI [REDACTED]