



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: June 25, 2020
MOAHR Docket No.: 20-003060
Agency No.: ██████████
Petitioner: ██████████ ██████████

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, telephone hearing was held on June 17, 2020. Petitioner represented herself. The Department was represented by Lori Aumick.

ISSUE

Did the Department of Health and Human Services (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 an ongoing Food Assistance Program (FAP) recipient on March 13, 2020, when the Department received her Renew Benefits form. Exhibit A, pp 4-7.
2. Petitioner reported to the Department on her March 13, 2020, Renew Benefits form that she was employed and expected to earn \$██████████ bi-weekly. Exhibit A, pp 4-5.
3. On March 13, 2020, Petitioner provided the Department with copies of paycheck stubs showing that she received earned income in the gross bi-weekly amounts of \$██████████ on February 14, 2020, \$██████████ on February 28, 2020, and \$██████████ on March 13, 2020. Exhibit A, pp 8-10.
4. Members of Petitioner's household receive Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amounts of \$976, and \$184, in addition to child support in the gross monthly amount of \$██████████

5. On March 25, 2020, Petitioner reported to the Department that the additional employment had ended. Exhibit A, pp 11-12.
6. On March 31, 2020, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits effective May 1, 2020. Exhibit A, pp 13-17.
7. On April 10, 2020, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits effective May 1, 2020. Exhibit A, pp 22-26.
8. On April 10, 2020, the Department received Petitioner's request for a hearing protesting the amount of her monthly allotment of Food Assistance Program (FAP) benefits. Exhibit A, pp 18-19.

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.

All earned and unearned income available is countable unless excluded by policy. Earned income means income received from another person or organization or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (July 1, 2017).

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15. Department of Human Services Bridges Eligibility Manual (BEM) 505 (October 1, 2017), pp 7-8.

Petitioner was an ongoing FAP recipient on March 13, 2020, when she reported that she had started a second job. The Department applied this new information towards her eligibility for FAP benefits, and on March 31, 2020, the Department notified Petitioner that she was no longer eligible for FAP benefits.

On March 25, 2020, the Department received Petitioner's report that her additional employment had ended, and that her overall earned income from employment had been reduced.

On April 10, 2020, the Department redetermined Petitioner's eligibility for ongoing FAP benefits based on the best available information. Petitioner's prospective gross monthly earned income was reduced to \$[REDACTED] which was reduced by the 20% earned income deduction. Petitioner's household also receives other income in the gross monthly amount of \$[REDACTED]. Reducing Petitioner's total gross monthly income by the \$172 standard deduction leaves her with an adjusted gross income of \$[REDACTED].

Petitioner is not entitled to a deduction for shelter expenses because her housing expenses and the standard heat and utility deduction are less than half of her adjusted gross income.


Therefore, Petitioner's net monthly income is the same as her adjusted gross income. The net income limit to receive any FAP benefits is \$1,778. Department of Health and Human Services Reference Table Manual (RFT) 250 (October 1, 2019), p 1.

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 is not eligible for Food Assistance Program (FAP) benefits effective May 1, 2020, based on her household income.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



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

Lori Aumick
4809 Clio Road
Flint, MI
48504

Genesee Clio County DHHS- via
electronic mail

BSC2- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

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██████, MI
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