



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: September 8, 2020
MOAHR Docket No.: 20-004123
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, a telephone hearing was conducted on July 23, 2020. Petitioner represented herself. The Department was represented by Maia Elvine-Fair and Cindy Wasaya. A continuance was granted until September 2, 2020, so that Petitioner could review the proposed hearing exhibits. On September 2, 2020, Maia Elvine-Fair attended the continued hearing, but Petitioner did not appear. After waiting more than 30 minutes, the hearing record was closed.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's application 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 ██████████ ██████████ 2020, the Department received Petitioner's application for Food Assistance Program (FAP) benefits as a household of four.
2. Petitioner receives a monthly veteran's pension in the gross monthly amount of \$2,088.
3. Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$██████████
4. A member of Petitioner's household receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$174.
5. Another member of Petitioner's household also receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$174.

6. Petitioner is responsible to pay a monthly \$145 Medicare Part B premium.
7. Petitioner is responsible to pay monthly child support in the monthly amount of \$437.
8. Petitioner is responsible for monthly housing expenses in the monthly amount of \$1,000, and Petitioner is responsible for paying for heating expenses separately from housing expenses.
9. On June 4, 2020, the Department received Petitioner's request for a hearing protesting the denial of her [REDACTED] [REDACTED] 2020, application for Food Assistance Program (FAP) benefits.

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 funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq*, and Mich Admin Code, R 400.3001 through 400.3011.

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 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).

On [REDACTED] [REDACTED] 2020, the Department received Petitioner's application for FAP benefits as a household of four. The household received a gross monthly income of \$[REDACTED] which was determined from the sum of his pension, his RSDI benefits, and the RSDI benefits of two other household members. This income level exceeds the gross monthly income limit for a household of four, but since Petitioner fits the definition of a senior/disabled/veteran person, that income limit does not apply to him.

Petitioner's adjusted gross income of \$[REDACTED] was determined by reducing his gross monthly income by the \$172 standard deduction, his \$437 monthly child support obligation, and a \$145 Medicare Part B obligation less the standard \$35 deduction.

Petitioner is entitled to a \$62 deduction for shelter expenses that was determined by reducing the sum of his \$1,000 housing expenses and the \$518 standard heat and utility deduction by 50% of his adjusted gross income.

Petitioner's net monthly income of \$[REDACTED] was determined by reducing his adjusted gross income by the shelter deduction. The net monthly income limit for a household of four is \$2,146. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2019), p 1.

Therefore, Petitioner is not eligible for FAP benefits based on income.

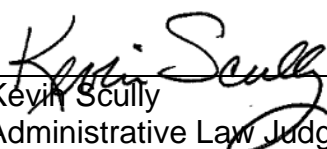
Petitioner initially disputed the Department's determination of eligibility for FAP benefits and was given additional time to review the exhibits including income and expense documentation. Petitioner did not dispute the Department's determination of income and expenses. Petitioner did not offer evidence of income and expenses to rebut the Department's budget calculations.

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.

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

Courtney Jenkins
22 Center Street
Ypsilanti, MI
48198

Washtenaw County DHHS- via electronic mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

██████████ - via first class mail
██████████
██████████, MI
██████████