



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: November 16, 2020
MOAHR Docket No.: 20-004568
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 held on November 2, 2020. Petitioner represented himself. The Department was represented by Rauchel Dennis.

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner’s 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. Petitioner was an ongoing Food Assistance Program (FAP) recipient as a household of five until July 1, 2020.
2. Petitioner receives monthly Supplemental Security Income (SSI) in the gross monthly amount of \$████████ and State Supplemental Security Income (SSP) in the gross monthly amount of \$████████ Exhibit A, p 16.
3. Petitioner’s daughter (dob ██████████ ██████████ 1999) receives monthly earned income from employment in the gross monthly amount of \$████████ which was determined from paychecks in the gross bi-weekly amounts of \$████████ and \$████████ Exhibit A, pp 8-10.
4. Department records indicate that Petitioner’s wife receives earned income in the gross monthly amount of \$████████ Exhibit A, p 30.
5. On June 10, 2020, the Department notified Petitioner that he was not eligible for Food Assistance Program (FAP) benefits as of July 1, 2020. Exhibit A, pp 5-7.

6. On June 16, 2020, the Department received Petitioner's request for a hearing protesting the closure of his Food Assistance Program (FAP) benefits. Exhibit A, p 3.

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 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.

FAP group composition is established by determining who lives together, the relationship of the people who live together, whether the people living together purchase and prepare food together or separately, and whether the persons resides in an eligible living situation. Parents and their children under 22 years of age who live together must be in the same FAP group. Department of Human Services Bridges Eligibility Manual (BEM) 212 (July 1, 2019), p 1.

Petitioner was an ongoing FAP recipient when the Department redetermined his eligibility for ongoing benefits. Petitioner's wife receives monthly earned income from employment in the gross monthly amount of \$██████████. Petitioner's ██████-year-old

daughter receives monthly earned income from employment in the gross monthly amount of \$[REDACTED] which was determined by converting the most recent bi-weekly paychecks to a prospective monthly amount by multiplying the average gross bi-weekly pay by the 2.15 conversion factor as directed by BEM 505. Petitioner receives social security benefits in the gross monthly amount of \$[REDACTED] and SSP benefits in the gross monthly amount of \$[REDACTED] which was determined by dividing this quarterly payment by 3 months.

Petitioner's monthly adjusted gross income of \$[REDACTED] was determined by reducing the household's totaling monthly income by the 20% earned income deduction and the \$203 standard deduction.

Petitioner is not entitled to a deduction for shelter expenses because the total of his monthly housing expense of \$72.54 and the \$418 standard heat and utility deduction are less than 50% of his adjusted gross income.


Therefore, Petitioner's monthly net income is the same as his adjusted gross income. A household of five people with a net income of \$[REDACTED] is not eligible for FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 250 (October 1, 2020), 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.

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

Carisa Drake
190 East Michigan
Battle Creek, MI
49016

Calhoun County DHHS- via electronic mail

BSC3- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

██████████ - via first class mail

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██████████, MI

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