



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]

Date Mailed: August 14, 2020
MOAHR Docket No.: 20-004573
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 August 6, 2020, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Stephanie Moore, Family Independence Specialist.

ISSUE

Did the Department properly determine that Petitioner had excess income for the Food Assistance Program (FAP), which resulted in her case being closed effective July 1, 2020?

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 for a family of five.
2. On May 16, 2020, the Department Caseworker entered the unemployment benefits of \$362 and the federal pandemic supplement of \$600 per week in BRIDGES that started on April 18, 2020. Department Exhibit 1, pgs. 5-10.
3. On May 16, 2020, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that Petitioner had excess income for FAP benefits of \$6,947 with an income limit for a household composition of five of \$3,269, which would

result in a closure of FAP benefits effective July 1, 2020. Department Exhibit 1, pgs. 12-16.

4. On May 28, 2020, the Department received a hearing request from 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 was a recipient of FAP benefits for a family of five. On May 16, 2020, the Department Caseworker entered the unemployment benefits of \$362 and the federal pandemic supplement of \$600 per week in BRIDGES that started on April 18, 2020. Department Exhibit 1, pgs. 5-10. On May 16, 2020, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that Petitioner had excess income for FAP benefits of \$6,947 with an income limit for a household composition of five of \$3,269, which would result in a closure of FAP benefits effective July 1, 2020. Department Exhibit 1, pgs. 12-16. On May 28, 2020, the Department received a hearing request from Petitioner, contesting the Department's negative action.

As a result of excess income, Petitioner's FAP case closed effective July 1, 2020. Petitioner had unearned income of \$4,442. After deductions from her gross income of \$4,442 of \$234 standard deduction for an adjusted gross income of \$4,208. The net income limit for household composition of five was \$2,853. Department Exhibit 1, pg. 3.

This Administrative Law Judge found during the hearing that Petitioner did not have a monthly income of \$6,947 for a household composition of five so the notice sent by the Department was incorrect. However, the budget provided by the Department of a gross income of \$4,442 from unemployment benefits and the federal pandemic supplement was correct. Petitioner did have excess income for FAP benefits. She can reapply if there is a decrease in her household income.

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 closed Petitioner's FAP case due to excess income.

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

CF/hb



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

Tuscola County via electronic mail

BSC2 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

