



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: September 24, 2020
MOAHR Docket No.: 20-005167
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 September 16, 2020, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Talia Makhoul, Department Translator and Amber Gibson, Hearing Facilitator.

ISSUE

Did the Department properly determine Petitioner's eligibility for 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 a recipient of FAP benefits.
2. On July 18, 2020, the Department Caseworker sent Petitioner a notice that his FAP case would close effective August 1, 2020, due to excess income. Department Exhibit 1, pgs. 4-8.
3. On July 21, 2020, Petitioner reapplied for FAP benefits. Department Exhibit 1, pgs. 9-16.

4. On July 22, 2020, the Department Caseworker sent Petitioner a notice that his FAP application was denied due to excess income. Department Exhibit 1, pgs. 17-21.
5. On July 25, 2020, the Department received a hearing request from Petitioner, contesting the Department's negative action.
6. On August 10, 2020, the Department Caseworker sent the Petitioner a notice that he was denied an error, and that he was eligible for \$162 for the month of August 2020 and \$491 for the month of September ongoing. Department Exhibit 1, pgs. 35-39.

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. On July 18, 2020, the Department Caseworker sent Petitioner a notice that his FAP case would close effective August 1, 2020, due to excess income. Department Exhibit 1, pgs. 4-8. On July 21, 2020, Petitioner reapplied for FAP benefits. Department Exhibit 1, pgs. 9-16. On July 22, 2020, the Department Caseworker sent Petitioner a notice that his FAP application was denied due to excess income. Department Exhibit 1, pgs. 17-21. On July 25, 2020, the Department received a hearing request from Petitioner, contesting the Department's negative action. On August 10, 2020, the Department Caseworker sent Petitioner a notice that he was denied an error, and that he was eligible for \$162 for the month of August 2020 and \$491 for the month of September ongoing. Department Exhibit 1, pgs. 35-39.

During the hearing, the Department stated that Petitioner had excess income for FAP benefits due to the additional \$1,200 a week that the household received from unemployment compensation benefits (UCB) for him and his wife because of the pandemic. As a result, he had excess income for July 2020, which resulted in the closure of his FAP benefits effective August 1, 2020. Department Exhibit 1, pgs. 22-30. He received the last \$1,200 in August which resulted in a decrease in FAP benefits in August 2020 of \$162 with \$491 ongoing for September 2020 based on his July 21, 2020 FAP application.

For the month of September, the Department provided the following budget. Petitioner had unearned income of \$1,667. After deductions from his gross income of \$1,667 of \$234 standard deduction for an adjusted gross income of \$1,433. Petitioner was given a total shelter deduction of \$518, resulting from a housing expense of \$0 and heat and utility standard of \$518. Petitioner was given an adjusted excess shelter deduction of \$0, with a total shelter deduction of \$518 minus 50% of adjusted gross income of \$716. Petitioner had a net income of \$1,433, which was the adjusted gross income of \$1,433 minus the excess shelter deduction of \$0. With a net income of \$1,433, Petitioner qualified with a household group size of 6 for a maximum benefit of \$921 plus \$0 in economic recovery minus 30% of net income of \$430, resulting in a net benefit amount of \$461. Department Exhibit 1, pgs. 33-34.

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 determined that Petitioner's FAP case should be closed due to excess income effective August 1, 2020, but after he reapplied July 21, 2020 that he was eligible for \$162 in benefits for August 2020 and \$491 for September 2020 ongoing.

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

Ingham County, DHHS

BSC2 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED]