



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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Date Mailed: December 8, 2020
MOAHR Docket No.: 20-006951
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 December 3, 2020 from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Andrea Edwards, Hearing Facilitator and Stephanie McRae, Eligibility Specialist Trainee.

ISSUE

Did the Department properly determine Petitioner's eligibility for the Food Assistance Program (FAP) based on earned income?

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 September 18, 2020, the Department received verification from Petitioner of a Redetermination Application, DHS-1010, Verification of Employment, DHS-38, and a check stub dated September 11, 2020. Department Exhibit 1, pgs. 7-10, and 13-18.
3. On September 21, 2020, the Department sent Petitioner a Benefit Notice, DHS-1605, and a Simplified Six Month Review, DHS-1045, that his FAP benefits would decrease to \$16 effective October 1, 2020. Department Exhibit 1, pgs. 23-29.

4. On September 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. On September 18, 2020, the Department received verification from Petitioner of a Redetermination Application, DHS-1010, Verification of Employment, DHS-38, and a check stub dated September 11, 2020. Department Exhibit 1, pgs. 7-10, and 13-18. On September 21, 2020, the Department sent Petitioner a Benefit Notice, DHS-1605, and a Simplified Six Month Review, DHS-1045, that his FAP benefits would decrease to \$16 effective October 1, 2020. Department Exhibit 1, pgs. 23-29. BAM 210.

During the hearing, the Department stated that Petitioner had excess income, which resulted in a decrease of his FAP benefits from \$355 to \$16 due to earned income. As a result of excess income, Petitioner had a decrease in FAP benefits. Petitioner had earned income of \$2,550. After deductions from his gross income of \$2,550 of \$149 standard deduction for an adjusted gross income of \$2,401. Petitioner was given a total shelter deduction of \$1,250 resulting from a housing expense of \$685 and heat and utility standard of \$547. Petitioner was given an adjusted excess shelter deduction of \$296, with a total shelter deduction of \$1,250 minus 50% of adjusted gross income of \$936. Petitioner had a net income of \$2,105, which was the adjusted gross income of \$2,401 minus the excess shelter deduction of \$296. With a net income of \$2,105, the Petitioner qualified with a household group size of two for a maximum benefit of \$374 plus \$0 in economic recovery minus 30% of net income of \$474, resulting in a net benefit amount of \$16. Department Exhibit 2.

Petitioner is eligible to report changes in income from the Department within 10 days as required by Department policy. The Department will redetermine Petitioner's eligibility for FAP when notified of income changes.

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 had excess income from earned income which resulted in a decrease of his FAP benefits from \$355 to \$16.

Accordingly, the Department's decision is **AFFIRMED**. Petitioner had excess income from unearned income resulting in a decrease in his FAP benefits from \$355 to \$16.

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

St. Clair County via electronic mail

BSC2 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]