



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
MI [REDACTED]

Date Mailed: January 28, 2021
MOAHR Docket No.: 20-007625
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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, an administrative hearing was held on January 26, 2021.

Petitioner appeared unrepresented.

The Department of Health and Human Services (Department) was represented by Carolyn Begley, Hearings Coordinator.

Department Exhibit A.11 was admitted.

ISSUE

Did the Department properly reduce Petitioner's FAP benefits from \$61.00 to \$58.00?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. At all relevant times prior to the issue herein, Petitioner has been a beneficiary of the FAP program.
2. Effective January 1, 2021, the State of Michigan applied an across-the-board reduction in the heat and utility standard for all FAP beneficiaries from \$547.00 to \$537.00 per month.
3. The Department budgeted the new heat and utility standard on Petitioner's FAP budget which reduced Petitioner's FAP benefits by \$3.00 per month.

4. On November 14, 2020, the Department issued a Notice of Case Action informing Petitioner that benefits will be reduced to \$58.00 from \$61.00 per month.
5. On November 24, 2020, Petitioner filed a hearing request.

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.

Applicable policy is found primarily at BEM 500, 550 and 554. Corresponding federal regulations are found at 7 CFR 273.2(f).

Beneficiaries of welfare benefits have the burden of proof by a preponderance of evidence at administrative hearing. That burden falls on Petitioner.

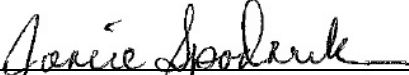
Effective January 1, 2021, the State of Michigan changed the heat and utility standard by reducing the allowable FAP expense for the standard from \$537.00 from \$547.00. Administrative Law Judges have no jurisdiction to review across the board cuts applied to all beneficiaries.

Here, Petitioner requests that his benefits be restored to \$61.00 per month. Petitioner offered no law or authority that would entitle him to more than allowed by law and policy. As such, the Department's actions were in compliance with federal and state law and thus, are upheld.

DECISION AND ORDER

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

JS/ml



Janice Spodarek
Administrative Law Judge
for Elizabeth Hertel, 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

Deborah Little
Wayne (Dist 49) County DHHS – via
electronic mail

BSC4 – via electronic mail

M. Holden – via electronic mail

D. Sweeney – via electronic mail

Petitioner

██████████ – via first class mail

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