



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI

Date Mailed: February 2, 2021
MOAHR Docket No.: 20-008007
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 January 28, 2021, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Maia Elvine-Fair AP Supervisor. Jill Craciun ES also appeared and testified for the Department. Department Exhibit 1, pp. 1-24 was received and admitted.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case due to excess 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 November 23, 2020, Petitioner submitted redetermination paperwork.
3. On December 10, 2020, a Benefit Notice was sent to Petitioner informing her that her FAP case would close effective December 31, 2020, due to excess income. (Ex. 1, p.8)
4. On [REDACTED] [REDACTED] [REDACTED] Petitioner requested hearing disputing the closure of FAP benefits.
5. Petitioner has two adult children who live with her who attend college full time and are not working.

6. Petitioner has an adult son and a grandson who reside with her.
7. Petitioner receives \$ [REDACTED] per month from the Social Security Administration.
8. Petitioner's adult son earns \$ [REDACTED] per month in employment income.

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.

Bridges uses certain expenses to determine net income for FAP eligibility and benefit levels. • For groups with no senior/disabled/disabled veteran (SDV) member, Bridges uses the following: Dependent care expense. Excess shelter up to the maximum in Reference Tables Manual (RFT) 255. Court ordered child support and arrearages paid to non-household members. BEM 554

In this case, at the redetermination it was found that Petitioner had excess income for the FAP program, and her case was processed for closure. In this case, Petitioner and her husband receive \$ [REDACTED] in employment income. At hearing, Petitioner did not dispute the amount of income determined by the Department. Following deductions for earned income deduction, standard deduction and excess shelter deduction, Petitioner has \$ [REDACTED] net income. BEM 554 The net income limit for a group size of 3 is \$1,810. Therefore, Petitioner is over the net income limit and the denial for excess income was proper and correct and consistent with Department policy. RFT 250 (October 2020)

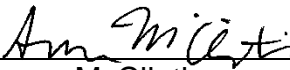
Petitioner raised several issues at hearing. Petitioner alleged that her adult daughters are working assisting her with household chores but acknowledged that they are not getting paid. Petitioner was advised that she could pursue home help services. Petitioner alleged that she is being retaliated against by the Department for asserting her rights. Petitioner did not explain how she was being retaliated against. Petitioner raised several issues that were more than 90 days prior to the request for hearing, it was explained that the undersigned Administrative Law Judge did not have jurisdiction to address those issues. BAM 600

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.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
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

Courtney Jenkins
22 Center Street
Ypsilanti, MI
48198

Washtenaw County DHHS- via electronic
mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

[REDACTED] - via first class mail
[REDACTED], MI
[REDACTED]