



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
MI [REDACTED]

Date Mailed: April 28, 2021  
MOAHR Docket No.: 21-001543  
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 April 22, 2021, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Lianne Sculphom Hearing Facilitator. Department Exhibit 1, pp. 1-23 was received and admitted.

### **ISSUE**

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefits?

### **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 receiving FAP benefits with pandemic supplement up to the maximum benefit amount for hear group size.
2. On February 20, 2021, Notice of Case Action was sent to Petitioner informing her that her FAP benefits were being reduced to \$16 per month following updated information from a wage match. (Ex. 1, p.5)
3. On [REDACTED] [REDACTED] [REDACTED] Petitioner requested hearing disputing the reduction of FAP benefits.
4. On March 15, 2021, Petitioner submitted updated income information.

5. On March 16, 2021, Notice of Case Action was sent to Petitioner informing her that her FAP benefits would increase to \$88 per month. (Ex.1, p.11)
6. Petitioner continues to receive the pandemic supplement up to the maximum amount for her group size.

### **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.

#### **DEPARTMENT POLICY FIP, SDA, CDC, MA, and FAP**

The Michigan Department of Health and Human Services (MDHHS) routinely matches recipient employment data with the Michigan Talent Investment Agency (TIA) and the Unemployment Insurance Agency (UIA) through computer data exchange processes. Information provided with MDHHS/MDE applications (MDHHS-1010, -1171, -4574, -4574-B, MDE-4583 and DCH-1426) inform clients of the data exchange process. These data exchanges assist in the identification of potential current and past employment income. Unemployment Compensation Benefits (UCB) are automatically populated in Bridges. BEM 802 (January 2021)

In this case, Petitioner receives FAP benefits up to the maximum amount for her group size with the pandemic supplement. Therefore, there is no negative action from the Department and no hearable issue.

Petitioner questioned the budgeting of her employment income and her unemployment income following the wage match and testified that these income sources have changed over the past few months. Petitioner was advised to report all changes in her income to the Department and provide verifications and the Department would recalculate Petitioner's base FAP benefit. It was proper and consistent with Department policy to use the wage match system. BEM 802, 7 CFR 273(9) It was explained to Petitioner that as long as the pandemic supplement was active, she would continue to receive the maximum amount for her group size if she remains eligible for FAP. Petitioner testified that she would prefer to get a greater portion of her FAP benefits at the beginning of the month rather than getting the supplement at the end of the month. The undersigned

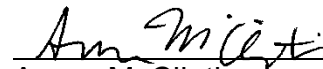
administrative law judge has no authority or jurisdiction to order the Department to issue benefits at a particular time of the month.

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 Petitioner's FAP benefits.

**DECISION AND ORDER**

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

AM/nr



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Aaron McClintic  
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**

Carisa Drake  
190 East Michigan  
Battle Creek, MI  
49016

Calhoun County DHHS- via electronic mail

BSC3- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

**Petitioner**

[REDACTED] - via first class mail

[REDACTED]  
[REDACTED], MI  
[REDACTED]