



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: May 14, 2021
MOAHR Docket No.: 21-001842
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on May 11, 2021. Petitioner represented herself. The Department was represented by April Nemec.

ISSUE

Did the Department of Health and Human Services (Department) properly close 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 an ongoing Food Assistance Program (FAP) recipient as a household of three on February 25, 2021, when the Department received her Redetermination (DHS-1010) form. Exhibit A, pp 10-14.
2. Petitioner receives monthly earned income from employment in the gross monthly amount of \$ [REDACTED]. Exhibit A, p 28.
3. Petitioner received monthly child support in the gross monthly amount of \$ [REDACTED]. Exhibit A, pp 30-31.
4. Petitioner received adoption subsidy payments in the gross monthly amount of \$ [REDACTED]. Exhibit A, p 32.
5. On March 31, 2021, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits as of April 1, 2021. Exhibit A, pp 23-27.

6. On April 6, 2021, the Department received Petitioner's request for a hearing protesting the closure of her Food Assistance Program (FAP) benefits. Exhibit A, pp 7-8.

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) is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq*, and Mich Admin Code, R 400.3001 through 400.3011.

Petitioner was an ongoing FAP recipient as a household of three on February 25, 2021, when the Department reviewed her eligibility for ongoing benefits after receiving her Redetermination (DHS-1010) form. Petitioner receives earned income from employment in the gross monthly amount of \$[REDACTED], which was determined from the sum of her most recent paychecks of \$[REDACTED] and \$[REDACTED]. It was not disputed during the hearing that Petitioner is paid twice monthly and not bi-weekly. The hearing record supports a finding that Petitioner receives child support in the gross monthly amount of \$90.22, which was determined from the 3-month average of child supports payments actually received as directed by BEM 505. Petitioner also receives adoption subsidy payments in the gross monthly amount of \$[REDACTED].

Petitioner's adjusted gross monthly income of \$[REDACTED] was determined by reducing her earned income from employment by the 20% earned income deduction, and the \$167 standard deduction for a household of three.

Petitioner is not entitled to a deduction for medical expenses because there are no senior or disabled members of the household. Department of Health and Human Services Bridges Eligibility Manual (BEM) 554 (January 1, 2020), pp 8-9.

Petitioner is not entitled to a deduction for shelter expenses because the total of her monthly housing expenses of \$[REDACTED] and the \$[REDACTED] standard heat and utility deduction are less than 50% of her adjusted gross income.

Therefore, Petitioner's net monthly income is the same as her adjusted gross income. The net monthly income limit for a household of three is \$1,810, and Petitioner is not eligible for any FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 250 (October 1, 2020), p 1.

On March 31, 2021, the Department listed an incorrect reason for the closure on the notice of case action it mailed to Petitioner, but the hearing record supports a finding that Petitioner is not eligible for any FAP benefits based on her current household income.

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 Food Assistance Program (FAP) benefits effective April 1, 2021.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
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

Tamara Morris
125 E. Union St 7th Floor
Flint, MI
48502

Genesee Union St. County DHHS- via
electronic mail

BSC2- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

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