



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]

Date Mailed: June 18, 2021  
MOAHR Docket No.: 21-002142  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler**

### **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 June 3, 2021. The Petitioner appeared for a portion of the hearing and was represented by her Authorized Hearings Representative (AHR) [REDACTED] from [REDACTED]. The Department of Health and Human Services (Department) was represented by Kathleen Hopper, Assistance Payments Supervisor.

### **ISSUE**

Did the Department properly issue Petitioner's Food Assistance Program (FAP) benefits in April 2021?

### **FINDINGS OF FACT**

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

1. On March 21, 2021, Petitioner was issued \$374.00 in FAP benefits for the month of March 2021.
2. On March 27, 2021, the Department issued a FAP supplement of \$56.00 to Petitioner for March 2021.
3. On April 2, 2021, the Department issued a Notice of Case Action to Petitioner informing her that her FAP benefit rate was \$374.00 per month effective April 1, 2021.
4. On the same day, the Department issued \$374.00 to Petitioner's Electronic Benefit Transfer (EBT) card for April 2021.

5. On April 3, 2021, Petitioner made a purchase of \$199.00 with her EBT card.
6. On April 8, 2021, Petitioner made a purchase of \$228.00 with her EBT card.
7. Additional purchases were made with Petitioner's EBT card using her FAP benefits on April 9<sup>th</sup> in three transactions, and then one purchase on each of the following days: April 10<sup>th</sup>, April 11<sup>th</sup>, April 13<sup>th</sup>, and April 15<sup>th</sup>.
8. On April 17<sup>th</sup>, Petitioner attempted four transactions, but two were declined for insufficient funds and two were approved for less than \$10.00.
9. Petitioner's total FAP purchases between April 3<sup>rd</sup> and April 17<sup>th</sup> are approximately \$620.00.
10. An additional FAP supplement of \$56.00 was placed on Petitioner's EBT card on May 1, 2021 for April 2021.
11. On April 29, 2021, the Department received a verbal hearing request from the Department from Petitioner indicating she had not received a FAP benefit for April 2021 and appointing [REDACTED] from [REDACTED] as her AHR.

### **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 requested a hearing because she did not receive her FAP benefit for April 2021. In support of its case, the Department provided a Benefit Summary Inquiry showing that Respondent received two payments in March 2021 including her March 2021 \$374.00 benefit and \$56.00 supplement. Those payments were issued to Petitioner on March 21<sup>st</sup> and March 27<sup>th</sup>. The Department also provided an Electronic Payment Processing and Information Control (EPPIC) report and Benefit Summary Inquiry showing that Respondent was issued a \$374.00 benefit for April on April 2<sup>nd</sup> and a \$56.00 supplement on May 1, 2021. The EPPIC report also shows that Respondent utilized her FAP benefits from March and April between April 3, 2021 and April 17, 2021 for transactions totaling approximately \$620.00. Given that the Benefit Summary Inquiry and EPPIC report both show FAP issuances to Petitioner in April for her benefit

rate of \$374.00, that the Benefit Summary Inquiry shows issuances to Petitioner in March for her benefit rate and supplement, and finally that Petitioner's total FAP purchases between April 3<sup>rd</sup> and April 17<sup>th</sup> are approximately \$620.00 (almost double her monthly benefit rate), the Department has met its burden of proof in establishing that Petitioner was properly issued her April 2021 FAP benefit and supplement.

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 issued Petitioner's April 2021 FAP benefit and supplement.

**DECISION AND ORDER**

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

AMTM/cc



---

**Amanda M. T. Marler**  
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

**Via Email:**

MDHHS-Oakland-District-IV-Hearings  
BSC4-HearingDecisions  
D. Sweeney  
M. Holden  
MOAHR

**Petitioner- Via USPS:**

