



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: June 18, 2021
MOAHR Docket No.: 21-002331
Agency No.: ██████████
Petitioner: ██████████ ██████████

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 June 8, 2021. Petitioner represented herself. The Department was represented by Megan Sterk and Carrie Latta.

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 received earned income in the gross bi-weekly amounts of \$██████████ on June 26, 2020, and \$██████████ on July 10, 2020. Exhibit A, pp 17-18.
2. Three children in Petitioner’s household each received child support in the gross monthly amounts of \$██████████ \$██████████ and \$██████████ Exhibit A, pp 13-15.
3. A member of Petitioner’s household receives a monthly pension in the gross monthly amount of \$██████████ Exhibit A, p 16.
4. A member of Petitioner’s household receives Supplemental Security Income (SSI) benefits in the gross monthly amount of \$686 and State Supplemental Security Income (SSP) in the gross monthly amount of \$14.
5. A member of Petitioner’s household received social security benefits in the gross monthly amount of \$██████████

6. On April 23, 2021, the Department notified Petitioner that she was not eligible for Food Assistance Program (FAP) benefits as of June 1, 2021. Exhibit A, pp 3-7.
7. On May 4, 2021, the Department received Petitioner's request for a hearing protesting the closure of her Food Assistance Program (FAP) benefits. Exhibit A, pp 19-25.

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.

All earned and unearned income available is countable unless excluded by policy. Earned income means income received from another person or organization or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (July 1, 2020).

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15. Department of Human Services Bridges Eligibility Manual (BEM) 505 (October 1, 2017), pp 7-8.

Petitioner was a FAP recipient as a household of five people when the Department reviewed her eligibility for ongoing benefits. Petitioner receives earned income in the gross monthly amount of \$████ which was determined by multiplying the average of her two bi-weekly paychecks in the gross bi-weekly amounts of \$████ and \$████ by the 2.15 conversion factor as directed by BEM 505. Petitioner's household received unearned income in the gross monthly amount of \$████. This amount is the total of a \$████ monthly pension payment, \$████ \$████ and \$████ in child support payments, a monthly

SSI payment of \$1,019 and another payment from social security of \$[REDACTED] as well as a \$14 SSP payment, which is paid quarterly. Petitioner's monthly adjusted gross income of \$[REDACTED] was determined by reducing the earned income by the 20% earned income deduction and the total income by the \$[REDACTED] standard deduction and a \$165 medical expense deduction. Petitioner did not offer evidence disputing the Department's determination of her monthly household income.

Petitioner's household is responsible for a monthly housing expenses of \$950 and she is entitled to a \$537 deduction for heat and utility expenses. Because Petitioner received the heat and utility deduction, she is not entitled to any other shelter deductions. Since Petitioner's allowable shelter deductions are less than half of the household's adjusted gross income, she is not entitled to any deduction for shelter expenses.

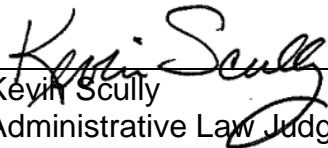
Therefore, Petitioner's net monthly income as a household of five is the same as her adjusted gross monthly income. A household of five with a net monthly income of \$[REDACTED] is not entitled to any FAP benefits. The net monthly income for a household of five is \$2,557. Department of Health and Human Services Reference Table Manual (RFT) 250 (October 1, 2020), p 1.

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 that Petitioner is not eligible for any Food Assistance Program (FAP) benefits based on the household's net monthly income.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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

Mariah Schaefer
3255 122nd Ave Ste 300
Allegan, MI 49010

Allegan County DHHS- via electronic mail

BSC3- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

██████████ - via first class mail

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██████████, MI ██████████