



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: September 8, 2021
MOAHR Docket No.: 21-003155
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 September 2, 2021, from Lansing, Michigan. [REDACTED], the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Ashley Evans, Supervisor. Amanda Olivia provided interpretation services.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-10.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case?

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. Petitioner added her daughter to the household. Petitioner's daughter was under age 22. (Supervisor Testimony)
3. Petitioner's daughter is a mandatory FAP group member. (Supervisor Testimony)
4. The Department re-determined eligibility utilizing the income for both Petitioner and her daughter. (Supervisor Testimony)

5. The Department determined that Petitioner's FAP case would close because Petitioner's FAP group exceeded the income limit for the program. (Exhibit A, p. 7; Supervisor Testimony)
6. On June 16, 2021, a Notice of Case Action was issued to Petitioner stating the FAP case would close effective June 1, 2020. (Exhibit A, pp. 6-10)
7. On June 29, 2021, Petitioner requested a hearing contesting the Department's determination. (Exhibit A, pp. 4-5)

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.

The relationship(s) of the people who live together affects whether they must be included or excluded from the group. BEM 212, July 1, 2019, p. 1. Parents and their children under 22 years of age who live together must be in the same group. BEM 212, p. 1.

Petitioner added her daughter to the household. Petitioner's daughter was under age 22. Therefore, Petitioner's daughter is a mandatory FAP group member. (Supervisor Testimony)

The Department re-determined eligibility utilizing the income for both Petitioner and her daughter. (Supervisor Testimony) The Department determined that Petitioner's FAP case would close because Petitioner's FAP group exceeded the income limit for the program. (Exhibit A, p. 7; Supervisor Testimony)

Petitioner did not dispute that her daughter was under age 22. Petitioner indicated her daughter started living with her in April, but it was not for very long. Petitioner stated that she notified the Department in June that her daughter was no longer in the home. Petitioner could not recall if she notified the Department before or after the June 16, 2021 Notice of Case Action was issued. (Petitioner Testimony)

On the June 29, 2021 Request for Hearing, Petitioner acknowledged that her daughter was living with her. (Exhibit A, p. 5) Therefore, the evidence indicates Petitioner's daughter was still in the home when the June 16, 2021 determination was made.


Petitioner's daughter was a mandatory FAP group member because she was under age 22. Accordingly, the Department properly considered the income of both Petitioner and her daughter to determine eligibility for FAP. No evidence was presented indicating the income amounts the Department utilized were incorrect.

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) case.

DECISION AND ORDER

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

CL/ml



Colleen Lack
Administrative Law Judge

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 Electronic Mail

MDHHS-Lenawee-Hearings
BSC4
M. Holden
D. Sweeney
MOAHR

Petitioner – Via First Class Mail

[REDACTED]
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[REDACTED], MI [REDACTED]