



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: September 17, 2021
MOAHR Docket No.: 21-003669
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 September 8, 2021. Petitioner was represented by his authorized hearing representative [REDACTED]. The Department was represented by Yvette Bishop Turnbull and Latasha Herron.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for the Food Assistance Program (FAP)?

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 [REDACTED], 2020, the Department received Petitioner's application for Food Assistance Program (FAP) benefits. Exhibit A, p 6.
2. Petitioner reported on his [REDACTED], 2020, application form that he is not responsible for making utility payments and that he has not applied for the Home Heating Credit, or State Emergency Relief (SER) assistance in the previous 12 months. Exhibit A, p 11.
3. Petitioner receives monthly Supplemental Security Income (SSI) in the gross monthly amount of \$ [REDACTED] and State Supplemental Security Income (SSP) in the gross monthly amount of \$ [REDACTED]. Exhibit A, p 17.
4. Petitioner is responsible for monthly housing expenses of \$ [REDACTED].

5. On July 17, 2021, the Department notified Petitioner that he was eligible for a \$[REDACTED] monthly allotment of Food Assistance Program (FAP) benefits effective July 1, 2021. Exhibit A, p 12.
6. On August 9, 2021, the Department received Petitioner's request for a hearing protesting the size of his monthly Food Assistance Program (FAP) allotment. Exhibit A, p 3.

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.

The heat and utility standard covers all heat and utility costs including cooling, except actual utility expenses. FAP groups that qualify for the heat and utility standard do not receive any other individual utility standards. A FAP group which has a heating expense or contributes to the heating expense separate from rent, mortgage or condominium/maintenance payments must use the heat and utility standard. Department of Human Services Bridges Eligibility Manual (BEM) 554 (January 1, 2020), pp 15-21.

On June 9, 2020, the Department received Petitioner's application for FAP benefits. Petitioner received monthly SSI payments and quarterly SSP benefits, giving him a gross monthly income of \$[REDACTED]. Petitioner's adjusted gross income of \$[REDACTED] was determined by reducing his total income by the \$167 standard deduction.

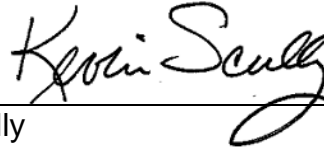
Petitioner is entitled to a \$259 deduction for shelter expenses. This amount was determined by reducing his monthly housing expense of \$[REDACTED] by 50% of his adjusted gross income. Since Petitioner is not responsible for utility expenses separate from his housing, and he did not receive the Home Heating Credit in the previous 12 months, Respondent is not entitled to the heat and utility deduction.

Petitioner's net income of \$[REDACTED] was determined by reducing his adjusted gross income by the shelter deduction. The maximum amount of FAP benefits that a household of one can receive is \$234. Economic Stability Administration Memorandum ESA 2021-30. Petitioner's monthly allotment of FAP benefits is determined by reducing the maximum allotment by 30% of his net income. Therefore, the Department properly determined that Petitioner is eligible for a \$[REDACTED] monthly allotment of FAP benefits.

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 eligibility for Food Assistance Program (FAP) benefits.

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

Courtney Jenkins
22 Center Street
Ypsilanti, MI 48198

Washtenaw County DHHS- via electronic
mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Authorized Hearing Rep.

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

Petitioner

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