



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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Date Mailed: January 14, 2022
MOAHR Docket No.: 21-005760
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 January 12, 2022. Petitioner represented himself. The Department was represented by Kristina Warner.

ISSUE

Did the Department of Health and Human Services (Department) properly deny his application for 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. On ██████████ ██████████ ██████████ the Department received Petitioner’s application for Food Assistance Program (FAP) benefits. Exhibit A, pp 4-11.
2. Petitioner reported on his ██████████ ██████████ ██████████ application form that his household consists of himself and two children. Exhibit A, p 5.
3. Petitioner reported on his ██████████ ██████████ ██████████ application form that he is employed and works 40 hours per week at a rate of \$██████████ per hour. Exhibit A, p 9.
4. On November 5, 2021, the Department notified Petitioner that his ██████████ ██████████ ██████████ application had been denied. Exhibit A, p 13-17.
5. On ██████████ ██████████ ██████████ the Department received Petitioner’s request for a hearing. 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.

FAP group composition is established by determining who lives together, the relationship of the people who live together, whether the people living together purchase and prepare food together or separately, and whether the persons reside in an eligible living situation. Department of Human Services Bridges Eligibility Manual (BEM) 212 (July 1, 2019), p 1.

When a child spends time with multiple caretakers who do not live together such as joint physical custody, the child will be placed in the FAP group of the primary caretaker. If the child's parent(s) is living in the home, he/she must be included in the FAP group where the child sleeps the majority of the time each month. If the child spends an equal number of days in two households, the household that becomes eligible first is the primary caretaker. BEM 212, pp 3-4.

Petitioner applied for FAP benefits as a household of three. The two children listed on Petitioner's application are active FAP recipients as part of another household. Individuals may not receive FAP benefits as part of more than one household.

Petitioner is not eligible for FAP benefits as a household of one based on the income he reported on his application. Petitioner reported that he is employed and works 40 hours per week at a rate of \$█ per hour.

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. Department of Human Services Bridges Eligibility Manual (BEM) 505 (October 1, 2017), pp 7-8.

The Department determined that Petitioner receives a gross monthly prospective income of \$█ as directed by BEM 505 by multiplying \$█ per hour by 40 hours per week and the 4.3 conversion factor. The gross monthly income limit for a household of three is \$2,379. Department of Health and Human Services Reference Table Manual (RFT) 250 (October 1, 2021), p 1.


Petitioner is not eligible for any FAP benefits based on his income as a household of one, or a household of three. Petitioner testified that the children are in his household all of the time, but he remains ineligible for FAP benefits even if they do.

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 denied Petitioner's [REDACTED] application for FAP benefits due to household 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

Tamara Little
301 E. Louis Glick Hwy.
Jackson, MI 49201

Jackson County DHHS- via electronic mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

██████████ - via first class mail

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