



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: May 9, 2022
MOAHR Docket No.: 22-001490
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On April 8, 2022, Petitioner, ██████████, requested a hearing to dispute the Department's decision to reduce his Food Assistance Program (FAP) benefit amount effective April 1, 2022. As a result, a hearing was scheduled to be held on May 5, 2022, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented himself. Respondent, Department of Health and Human Services (Department), had Kristina Tripp, Hearing Facilitator, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 31-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Whether the Department properly reduced Petitioner's FAP benefit amount to \$20.00 effective April 1, 2022?

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 is a FAP benefit recipient.
2. Petitioner's household is composed of Petitioner and his granddaughter, ██████████.
3. Petitioner is disabled and receives \$ ██████████ gross monthly income from social security.
4. ██████████ is ██████ years old.

5. On March 28, 2022, the Department received a completed redetermination form from Petitioner. In the redetermination form, Petitioner reported that [REDACTED] was working at [REDACTED].
6. The Department pulled [REDACTED]'s earnings record through the Work Number database.
7. The Department discovered that [REDACTED] received gross earnings of \$[REDACTED] on February 25, 2022, \$[REDACTED] on March 11, 2022, and \$[REDACTED] on March 25, 2022.
8. Based on [REDACTED]'s gross earnings, the Department determined that [REDACTED]'s gross monthly income was \$[REDACTED].
9. The Department added [REDACTED]'s income to Petitioner's case and redetermined Petitioner's eligibility for FAP benefits.
10. The Department determined that the maximum FAP benefit Petitioner was eligible for was \$20.00 per month.
11. On March 30, 2022, the Department mailed a notice of case action to Petitioner to notify Petitioner that his FAP benefit was going to be reduced to \$20.00 per month effective April 1, 2022.
12. On April 8, 2022, Petitioner requested a hearing to dispute the Department's decision.

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 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 administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

The Department determines a client's monthly FAP benefit amount by determining the client's group size and net household income, and then looking that information up in its applicable Food Issuance Table. BEM 212 (January 1, 2022), BEM 213 (October 1, 2021), BEM 550 (January 1, 2022), BEM 554 (January 1, 2022), BEM 556 (October 1, 2021), RFT 255 (October 1, 2021), and RFT 260 (October 1, 2021). Here, there is no evidence that the Department did not properly determine Petitioner's FAP benefit. Petitioner did not present any evidence to establish that his household income or allowable expenses were different than those used by the Department, and Petitioner

did not present any evidence to establish that his group size was greater than that used by the Department. Based on a review of the budget used by the Department, and the applicable Food Issuance Table, the Department used the correct deductions and correctly determined Petitioner's FAP benefit amount based on his countable household income, allowable expenses, and group size. The maximum FAP benefit that Petitioner is eligible for is \$20.00 per month.

The Department properly included [REDACTED]'s income when it determined Petitioner's FAP benefit amount. Since [REDACTED] was living in Petitioner's household, and since [REDACTED] was over age 18, [REDACTED]'s earnings were countable as she was no longer eligible for the student earnings disregard. BEM 501 (July 1, 2021), p. 2. The Department properly used [REDACTED]'s past income to prospect her future income because the Department used her earnings from the last 30 days to compute her average monthly income in accordance with BEM 505 (November 1, 2021).

DECISION AND ORDER

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 properly reduced Petitioner's FAP benefit amount to \$20.00 effective April 1, 2022.

IT IS ORDERED, the Department's decision is **AFFIRMED**.

JK/mp



Jeffrey Kemm

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

Email Recipients:

MDHHS-Jackson-Hearings
D. Sweeney
M. Holden
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First-Class Mail Recipient:

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