



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: June 3, 2022
MOAHR Docket No.: 22-001629
Agency No.: [REDACTED]
Petitioner: [REDACTED] [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, telephone hearing was held on May 31, 2022, from Lansing, Michigan. Petitioner represented herself, and [REDACTED] [REDACTED] assisted her during the hearing. The Department was represented by Deborah Irvin and Linda Caver.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility 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. Petitioner applied for Food Assistance Program (FAP) benefits as a household of three.
2. Petitioner receives monthly unearned income in the gross monthly amount of \$ [REDACTED]
3. Petitioner provided verification of her responsibility to pay monthly housing expenses of \$675 per month.
4. The Department denied Petitioner's request for cash assistance.
5. Petitioner and the other two members of her household are active recipients of Medical Assistance (MA) benefits.
6. On April 12, 2022, the Department received Petitioner's request for a hearing protesting the closure of her Food Assistance Program (FAP) benefits.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 through 679c. The Department administers FIP pursuant to 45 CFR 233 through 261, MCL 400.10, the Social Welfare Act, MCL 400.1 *et seq*, and Mich Admin Code, R 400.3101 through R 400.3131.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396 through 42 USC 1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10 through 42 CFR 420.25. The Department administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.103 through MCL 400.112k of the Social Welfare Act, MCL 400.1 *et seq*.

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.

Petitioner applied for cash assistance (FIP), but her application was denied. Petitioner testified during her hearing that she now understands why her application for FIP benefits was denied and that she was no longer disputing the denial of FIP benefits.

Petitioner requested a hearing protesting the denial of MA benefits, but during her hearing she conceded that no one in her household of three people had been denied Medicaid.

Petitioner applied for FAP benefits as a household of three people. Petitioner's total household income consists solely of unearned income in the gross monthly amount of \$[REDACTED] which is made up of Supplemental Security Income (SSI) benefits received by two of the household members. No evidence was presented on the record that Petitioner is not receiving SSI and supplemental assistance in the amounts being applied towards her eligibility for benefits.

Petitioner's net monthly income of \$[REDACTED] was determined by reducing her gross income by the \$177 standard deduction and her excess shelter deduction determined from her housing expense and the standard heat and utility deduction.

A household of three people receiving a net monthly income of \$[REDACTED] is entitled to a \$327 monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2021), p 16.

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's eligibility for Food Assistance Program (FAP) benefits.

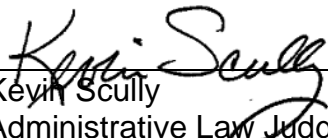
Petitioner withdrew her hearing request with respect to her eligibility for Family Independence Program (FIP) and Medical Assistance (MA) benefits and her hearing request is dismissed with respect to those programs only.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

Petitioner withdrew her hearing request with respect to her eligibility for the Family Independence Program (FIP) and Medical Assistance (MA) programs and is dismissed for those programs.

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

Via-Electronic Mail :

DHHS
Denise Ezell
Wayne Pathways to Potential-DHHS
3040 W Grand Blvd STE 5-450
Detroit, MI 48202

DHHS-Wayne-23-Hearings

BSC4

M. Holden

D. Sweeney

Via-First Class Mail :

Petitioner

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