



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]
[REDACTED], MI [REDACTED]

Date Mailed: June 22, 2022
MOAHR Docket No.: 22-001903
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 June 15, 2022, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Susan Dersewehs appeared and testified for the Department. Department Exhibit 1, pp. 1-55 was received and admitted.

ISSUE

Did the Department properly determine Petitioner's 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 was a recipient of FAP benefits receiving \$250 per month.
2. On April 20, 2022, Notice of Case Action was sent to Petitioner informing her that her FAP benefits would be reduced to \$20 per month effective May 1, 2020, after past ongoing medical expense was removed from the budget. (Ex. 1, pp. 12-16)
3. On April 27, 2022, Petitioner requested hearing disputing the reduction of FAP benefits.
4. Petitioner's FAP benefit was increased to \$46 after rental expense and utility expense were updated.

5. Petitioner received the pandemic supplement emergency allotment up to the maximum benefit amount for her group size during all the months in question.
6. Petitioner submitted medical expense verifications, after her request for hearing was submitted that had not yet been processed at the time of hearing.

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.

Budgeting Expenses

Budget Month

Expenses are used from the same calendar month as the month for which benefits are being determined.

June expenses are used to determine June's benefits.

Expenses remain unchanged until the FAP group reports a change; see Bridges Administrative Manual (BAM 220), Change Processing.

Determining the Monthly Amount

Bridges converts all expenses (except one-time-only expenses the group does not wish to average) to a nonfluctuating monthly amount. BEM 554


In this case, for the month of June 2022, Petitioner was receiving \$1185 in RSDI income from Social Security. Petitioner had rental expense of \$274 and was responsible for utilities. After subtracting the \$177 standard deduction and the \$329 excess shelter deduction, Petitioner has net income of \$[REDACTED] per month. A household with a group size of 1 with \$[REDACTED] in net income is entitled to \$46 per month in FAP. This was the amount determined by the Department and it was proper and correct and consistent with Department policy. BEM 554 Petitioner received the pandemic supplement up to the maximum benefit amount for her group size for the month of June 2022.

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 FAP benefit.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
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 :

DHHS

Susan Dersweh
Genesee County DHS Clio Rd Dist.
4809 Clio Road
Flint, MI 48504

Interested Parties

Genesee Clio County DHHS
BSC2
M. Holden
D. Sweeney

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]
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