



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: August 4, 2022
MOAHR Docket No.: 22-002492
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 July 27, 2022, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Amber Gibson, Hearing Facilitator.

ISSUE

Did the Department properly determine that the Petitioner had excess income 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. The Petitioner was a recipient of FAP benefits with an income change. Department Exhibit 1, pgs. 4-12.
2. On May 19, 2022, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that her FAP benefits were decreasing to \$20.00 a month for a household size of two effective June 1, 2022. Department Exhibit 1, pgs. 13-17.
3. On May 31, 2022, the Department received a verbal hearing request, contesting the Department's negative action.

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.

In this case, the Petitioner was a recipient of FAP benefits with an income change. Department Exhibit 1, pgs. 4-12. On May 19, 2022, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that her FAP benefits were decreasing to \$20.00 a month for a household size of two effective June 1, 2022. Department Exhibit 1, pgs. 13-17. On May 31, 2022, the Department received a verbal hearing request, contesting the Department's negative action. BEM 500 and 501. BAM 130 and 220.

During the hearing, the Hearing Facilitator stated that the Petitioner's income was pending for verification that both jobs were with AmeriCorps/Vista and not countable. The Department has subsequently received the required verifications and the income was removed. Because of the hearing request, the Department could not make any changes to the Petitioner's FAP case.


The Petitioner was frustrated because the income was not countable. The Hearing Facilitator has put a note in the case file for future Department Caseworkers that this income is not countable. However, the Petitioner may still have this issue in the future of verifying that this income is still not countable. If the Department requires the Petitioner to provide verification of the income, then she is still required to provide the required verification in order to be eligible for FAP benefits.

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 acted in accordance with Department policy when it required additional verification that the Petitioner's earned income from employment was not countable for FAP eligibility.

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

CF/cc



Carmen G. Fahie
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 :

Interested Parties

MDHHS-Ingham-Hearings
BSC2-HearingDecisions
D. Sweeney
M. Holden
MOAHR

Via-First Class Mail :

Petitioner

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