



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: September 16, 2022
MOAHR Docket No.: 22-003308
Agency No.: ██████████
Petitioner: ██████████

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 September 8, 2022, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Shaun-Tee Chambell, Eligibility Specialist and Cathy Burr, Assistance Payments Supervisor.

ISSUE

Did the Department properly determine the Petitioner's eligibility for Food Assistance Program (FAP)?

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.
2. The Petitioner reported to the Department that her husband had a new job with a first check on July 21, 2022, but the check submitted was for July 15, 2022, for a gross amount of ██████████. Department Exhibit 1, pg. 16.
3. On ██████████, 2022, the Department Caseworker received a State Emergency Relief application from the Petitioner.
4. On July 27, 2022, the Department Caseworker updated the household income on BRIDGES and the household had excess income for FAP eligibility for a household of three. The husband's income was counted, but he was unable to be

counted as a part of the household group due to his alien status. Department Exhibit 1, pgs. 10-15.

5. On July 27, 2022, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that her FAP benefits were closed effective September 1, 2022, due to excess income. Department Exhibit 1, pgs. 6-9.
6. On August 4, 2022, the Department received a hearing from the Petitioner 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. The Petitioner reported to the Department that her husband had a new job with a first check on July 21, 2022, but the check submitted was for July 15, 2022, for a gross amount of [REDACTED]. Department Exhibit 1, pg. 16. On July 27, 2022, the Department Caseworker updated the household income on BRIDGES and the household had excess income for FAP eligibility for a household of three. The husband's income was counted, but he was unable to be counted due to his alien status. Department Exhibit 1, pgs. 10-15. On July 27, 2022, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that her FAP benefits were closed effective September 1, 2022, due to excess income. Department Exhibit 1, pgs. 6-9.

As a result of excess income, the Petitioner's FAP case was closed. The Petitioner's household had earned income of [REDACTED] for a household group of 3. After deductions from gross income of [REDACTED] of [REDACTED] earned income deduction and [REDACTED] standard deduction, the Petitioner had an adjusted gross income of [REDACTED]. The Petitioner was given a total shelter amount of \$2,921, resulting from a housing expense of \$2,361.99 and heat and utility standard of \$559. The Petitioner was given an adjusted excess shelter deduction of \$1,532, with a total shelter deduction of \$2,921 minus 50% of adjusted gross income of \$1,389. Although the adjusted excess shelter amount was \$1,532 because the Petitioner was not senior, disabled or a veteran, she only qualified for the maximum benefit of \$597 for a shelter maximum. The Petitioner had a net income of [REDACTED], which was the adjusted gross income of [REDACTED] minus the excess

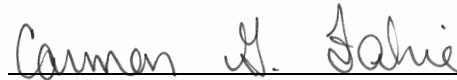
shelter deduction of \$597. With a net income of [REDACTED], the Petitioner was over the net income limit of \$1,830 for a household group size of 3. Department Exhibit 1, pgs. 10-12.

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 determined that the Petitioner had excess income 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-Washtenaw-Hearings
BSC4-HearingDecisions
D. Sweeney
M. Holden
MOAHR

Via-First Class Mail :

Petitioner

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