



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 9, 2022  
MOAHR Docket No.: 22-003342  
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 August 31, 2022, from Lansing, Michigan. The Petitioner was represented by herself and her mother, ██████████. The Department of Health and Human Services (Department) was represented by Sara Ceeros, Assistance Payments Supervisor and Michelle Degroot, Assistance Payments Worker.

### **ISSUE**

Did the Department properly determine the Petitioner's eligibility for the 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. On ██████████ 2022, the Petitioner applied for FAP. Department Exhibit 1, pgs. 5-20.
2. On July 21, 2022, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that her FAP application was denied due to excess income. Department Exhibit 1, pgs. 45-48.
3. On August 1, 2022, the Department received a hearing request 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 under 22 and living with her mother which required her and her brother to be mandatory FAP group members on the mother's FAP case. As a result, all of their incomes were required to be counted to determine FAP eligibility.

The Petitioner's household was denied FAP benefits. The Petitioner's household had earned and unearned income of [REDACTED]. After deductions from their gross income of [REDACTED] of [REDACTED] earned income deduction and [REDACTED] standard deduction for an adjusted gross income of [REDACTED]. With a net income of [REDACTED], the Petitioner's household failed the net income limit test of \$1,830, which resulted in a denial of FAP benefits. Department Exhibit 1, pgs. 20-43. BAM 105, 110, 115, 130, and 600. BEM 212, 500, 501, 503, 505, 550, 554, and 556. RFT 250, 255, and 260.

The Administrative Law Judge finds that the Department met their burden of proof that the Petitioner had excess income for FAP eligibility.

### **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's household had excess income for FAP eligibility.

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

CF/cc



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**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-Kent-Hearings  
BSC3-HearingDecisions  
D. Sweeney  
M. Holden  
MOAHR

**Via-First Class Mail :**

**Petitioner**

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