



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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████████████████████, MI ██████████

Date Mailed: September 19, 2022
MOAHR Docket No.: 22-003628
Agency No.: ██████████
Petitioner: ██████ ██████ ██████

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, a telephone hearing was held on September 15, 2022, from Lansing, Michigan. Petitioner represented herself. The Department was represented by April Sprague.

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 receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$█████ Exhibit A, p 37.
2. Petitioner receives monthly family contribution in the gross monthly amount of \$█████ Exhibit A, p 37.
3. Petitioner is responsible for monthly housing expenses of \$722. Exhibit A, pp 17-18.
4. The Department received a pharmacy invoice from Petitioner. Exhibit A, p 26.
5. On July 26, 2022, the Department notified Petitioner that she was eligible for a \$20 monthly allotment of Food Assistance Program (FAP) benefits. Exhibit A, p 30.

6. On August 3, 2022, the Department received Petitioner's request for a hearing protesting her current level of Food Assistance Program (FAP) benefits. Exhibit A, p 5.

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) 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.

When determining countable expenses towards eligibility for FAP benefits, the Department will only consider the medical expenses of senior/disabled/veterans in the eligible household. Recipients of FAP benefits are not required to but may voluntarily report medical expenses during the benefit period. Department of Health and Human Services Bridges Eligibility Manual (BEM) 554 (January 1, 2022), pp 8-9.

Petitioner is an ongoing FAP recipient as a household of one and she is disabled. Petitioner receives a gross monthly income of \$██████ which is the total of her social security benefits and a \$██████ per month family contribution.

Petitioner is entitled to a deduction for medical expenses that she provides verification of, and she submitted an invoice for pharmacy expenses.

However, the invoice submitted does not show a current expense but instead shows a remaining balance on a past expense, and no verification of when that past expense was incurred was available during the hearing.

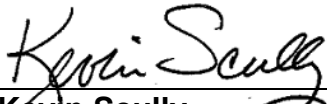
The hearing record supports a finding that the Department properly applied Petitioner's verified income and expenses towards her current eligibility for FAP benefits.

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 current level of Food Assistance Program (FAP) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/cc



Kevin Scully
Administrative Law Judge

