



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: February 17, 2023  
MOAHR Docket No.: 22-005745  
Agency No.: [REDACTED]  
Petitioner: [REDACTED] [REDACTED]

**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 February 9, 2023, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Stephanie Lane and Maia Elvine-Fair.

### **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 was an ongoing recipient of Food Assistance Program (FAP) benefits when the Department initiated a routine redetermination of her eligibility for ongoing benefits.
2. Petitioner is a senior/disabled/veteran household of one and has a 24-month benefit certification period.
3. On November 22, 2022, the Department notified Petitioner that she was eligible for Food Assistance Program (FAP) benefits with a \$60 monthly allotment as of December 1, 2022.
4. Petitioner received supplemental Food Assistance Program (FAP) benefits raising her monthly benefits to the maximum allotment for a household of one.
5. On December 5, 2022, the Department received Petitioner's request for a hearing protesting her eligibility for the Food Assistance Program (FAP).

## **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 (October 1, 2022), pp 8-9.

An SDV group that has a verified one-time or ongoing medical expense(s) of more than \$35 for an SDV person(s) will receive the SMD. The SMD is \$165. If the group has actual medical expenses which are more than the SMD, they have the option to verify their actual expenses instead of receiving the SMD. BEM 554, p 9.

On December 5, 2022, Petitioner requested a hearing protesting the Department's determination of her eligibility for FAP benefits. Petitioner argued that the Department improperly requests verification of her medical expenses each time her benefit certification period ends.

Petitioner is required to provide detailed verification of her ongoing medical expenses that are applied over the course of her benefit certification period to ensure that her eligibility for ongoing benefits is accurately determined.

Under emergency Covid-19 rules, Petitioner and all other FAP recipients will receive the maximum allotment of FAP benefits available to them so long as they are eligible for any FAP benefits. In this case, the Department does not dispute that Petitioner's income is less than the income limit and that Petitioner is eligible for FAP benefits. Therefore, Petitioner has been receiving the maximum allotment of FAP benefits available to a household of one and the Department's determination of her monthly income and expenses has not affected these benefits.

On November 22, 2022, the Department notified Petitioner that she was eligible for ongoing FAP benefits and that she would be receiving the standard medical deduction as a senior/disabled/veteran household. As long as the COVID-19 emergency supplements are being issued, Petitioner will receive the maximum allotment of FAP

benefits available to her. In the future, if these emergency supplements are no longer granted to FAP recipients, Petitioner will have to provide verification of medical expenses exceeding \$420 to realize an increase to her monthly allotment of FAP benefits, which is medical expenses exceeding \$35 for 12 consecutive months.

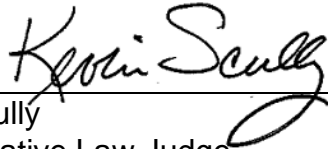
In this case, Petitioner submitted receipts showing medical expenses incurred in the 12 months prior to her redetermination. While most of these expenses may not be relevant to her eligibility for the upcoming certification period, the Department established that they credibly reviewed the verification for these expenses and applied towards Petitioner's eligibility for her new certification period even though they did not change the amount of FAP benefits that she will receive.

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 eligibility for the Food Assistance Program (FAP) as of November 22, 2022.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/nr

  
\_\_\_\_\_  
Kevin Scully  
Administrative Law Judge  
Michigan Office of Administrative Hearings  
and Rules (MOAHR)

**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 And First Class Mail:**

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED], MI [REDACTED]  
[REDACTED]

**Interested Parties**

Washtenaw County DHHS  
BSC4  
M. Holden  
Sweeney  
MOAHR

**Via-Electronic Mail :**

**DHHS**

Courtney Jenkins  
Washtenaw County DHHS  
22 Center Street  
Ypsilanti, MI 48198  
**MDHHS-Washtenaw-  
Hearings@michigan.gov**