



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: March 8, 2023  
MOAHR Docket No.: 23-000453  
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 March 2, 2023, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Rick Merrill.

### **ISSUE**

Did the Department of Health and Human Services (Department) properly determine 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. Petitioner was an ongoing recipient of Food Assistance Program (FAP) benefits on October 18, 2022, when the Department received her Redetermination form. Exhibit A, p 5.
2. Petitioner receives monthly social security benefits in the gross monthly amount of \$[REDACTED] Exhibit A, p 23.
3. Petitioner reported medical expenses on her October 18, 2022, Redetermination form. Exhibit A, p 7.
4. On November 18, 2022, the Department notified Petitioner that she was eligible for a \$155 monthly allotment of Food Assistance Program (FAP) benefits. Exhibit A, p 10.
5. On December 9, 2022, the Department notified Petitioner that she was eligible for a \$119 monthly allotment of Food Assistance Program (FAP) benefits. Exhibit A, p 10.

6. On January 9, 2023, the Department requested that Petitioner provide verification of her medical expenses. Exhibit A, p 20.
7. On December 19, 2022, the Department received verification that Petitioner's work hours had been reduced and that she expected to receive earned income in the gross monthly amount of \$█ Exhibit A, p 24.
8. On February 2, 2023, the Department notified Petitioner that she was eligible for a \$168 monthly allotment of Food Assistance Program (FAP) benefits. Exhibit A, p 36.
9. On January 12, 2023, the Department received Petitioner's request for a hearing protesting her eligibility for Food Assistance Program (FAP) benefits. Exhibit A, p3.

### **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.

Clients must report changes in circumstance that potentially affect eligibility or benefit amount within 10 days of receiving the first payment reflecting the change. Department of Human Services Bridges Assistance Manual (BAM) 105 (October 1, 2019), pp 1-20.

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.

Petitioner is a disabled recipient of FAP benefits that expects to receive earned income in the gross monthly amount of \$40 and social security benefits in the gross monthly amount of \$█ Petitioner is entitled to a 20% earned income deduction and a \$193 standard deduction leaving her with an adjusted gross income of \$█ Petitioner is eligible for a deduction for out-of-pocket medical expenses exceeding \$35, but the hearing record does not support a finding that Petitioner provided the Department with verification of her medical expenses.

Petitioner is entitled to a \$442 adjusted shelter expense, which was determined by reducing the total of her \$226 monthly shelter expense and the \$624 standard heat and utility by 50% of her adjusted gross income.

Petitioner's net income of \$[REDACTED] was determined by reducing her adjusted gross income by her adjusted shelter expense. A household of one with a net income of \$[REDACTED] is entitled to a \$168 monthly allotment of FAP benefits, not including any emergency supplements available due to the COVID-19 pandemic.

Petitioner testified that disagreements with her caseworker was a barrier to her receipt of FAP benefits.

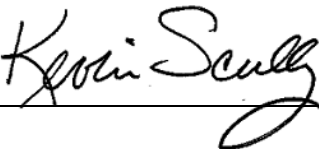
However, Petitioner's complaint does not fall within the jurisdiction of MOAHR. A complaint as to alleged misconduct or mistreatment by a state employee shall not be considered through the administrative hearing process but shall be referred to the department personnel director. Mich Admin Code, R 792.11002.

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 Food Assistance Program (FAP) benefits.

**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 Mail :**

**DHHS**  
Pam Farnsworth  
Monroe County DHHS  
903 Telegraph  
Monroe, MI 48161  
**MDHHS-Monroe-  
Hearings@michigan.gov**

**Interested Parties**  
Monroe County DHHS  
BSC4  
M. Holden  
D. Sweeney  
MOAHR

**Via-First Class Mail :**

**Petitioner**  
[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]