



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: April 27, 2023
MOAHR Docket No.: 23-001351
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 April 19, 2023. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Melissa Stanley, Hearing Facilitator (HF). The Department submitted Department Exhibit, pgs. 1-27, that was admitted and made a part of the record.

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. On ██████████ 2023, the Petitioner applied for FAP benefits.
2. On March 13, 2023, the Department Caseworker completed the FAP interview where the Petitioner reported that he and his mother buy and prepare food together.
3. On March 13, 2023, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that he was approved for FAP benefits for a household group composition of two for \$23 effective ██████████ 2023, through February 29, 2024.
4. On March 15, 2023, 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 applied for FAP benefits on [REDACTED] 2023. On March 13, 2023, the Department Caseworker completed the FAP interview where the Petitioner reported that he and his mother buy and prepare food together. On March 13, 2023, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that he was approved for FAP benefits for a household group composition of two for \$23 effective March 1, 2023, through February 29, 2024. On March 15, 2023, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BAM 105, 110, 115, 130, 220, and 600. BEM 500 and 503. RFT 255 and 260.

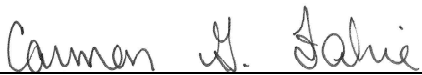
As a result of buying and preparing meals with his mother, the Petitioner and his mother are a part of the same household group of 2. The Petitioner had unearned income of [REDACTED]. After deductions from his gross income of [REDACTED] of \$193 standard deduction and medical deduction of \$165 for an adjusted gross income of [REDACTED]. The Petitioner was given a total shelter deduction of \$727, resulting from a housing expense of \$103 and heat and utility standard of \$624. The Petitioner was given an adjusted excess shelter deduction of \$0, with a total shelter deduction of \$727 minus 50% of adjusted gross income of [REDACTED]. The Petitioner had a net income of [REDACTED], which was the adjusted gross income of [REDACTED] minus the excess shelter deduction of \$0. With a net income of [REDACTED] the Petitioner qualified with a household group size of 2 for a maximum benefit of \$516 plus \$0 in economic recovery minus 30% of net income of [REDACTED] resulting in a net benefit amount of \$23.

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 from unearned income which resulted in a FAP benefit of \$23 per month for a household group of two effective March 1, 2023, through February 29, 2024.

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

CF/ml



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 :

DHHS
Elisa Daly
411 East Genesee
Saginaw, MI 48607
MDHHS-Saginaw-Hearings@michigan.gov

Interested Parties

BSC2
M Holden
D Sweeney
MOAHR

Via First Class Mail :

Petitioner

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