



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS  
DIRECTOR

██████████  
████████████████████  
██████████, MI ██████████

Date Mailed: June 13, 2023  
MOAHR Docket No.: 23-002672  
Agency No.: ██████████  
Petitioner: ██████ ██████

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

**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 June 7, 2023, from Lansing, Michigan. The Petitioner was represented by herself. Ms. ██████████ appeared with Petitioner. The Department of Health and Human Services (Department) was represented by Amber Gibson. Department Exhibit 1, pp. 1-26 was receive and admitted.

**ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) case due to excess income?

**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 a recipient of FAP benefit receiving \$23 per month.
2. On February 27, 2023, Petitioner submitted redetermination paperwork.
3. On April 19, 2023, Notice of Case Action was sent to Petitioner informing her that her FAP case would close effective June 1, 2023, due to excess income.
4. On May 1, 2023, Petitioner requested hearing disputing the closure of FAP benefits.
5. Petitioner earned \$██████ in the previous month from her job with ██████████ ██████████ (Ex. 1, pp. 11-14)

6. Petitioner receives \$1777 in unearned income from social security. (Ex. 1, p.16)

### **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.

#### ***Irregular Income***

For irregular income, determine the standard monthly amount by adding the amounts entered together and dividing by the number of months used.

Bridges will convert or average income automatically, when appropriate, based on the information you enter about the income. BEM 505

In this case, Petitioner was receiving FAP benefits in the amount of \$23 per month. Petitioner submitted redetermination paperwork including check stubs for employment with ██████████ ██████████ for the previous month. Petitioner earned \$██████████ in the previous month from her job with ██████████ ██████████ (Ex. 1, pp. 11-14) Petitioner receives \$1777 in unearned income from social security. After deducting \$170 earned income deduction, \$193 standard deduction, \$182 medical deduction Petitioner has \$██████████ net income. The net income limit for a group size of one is \$1133. Petitioner is well over the net income limit and therefore the denial due to excess income was proper and correct and consistent with Department policy.

Petitioner testified at hearing that her employment income fluctuates. It was explained that a 30-day review or a 60 day could be done to determine her budgeted employment income. BEM 505 Petitioner was encouraged to reapply if her employment income was less, and she believes she may be eligible.

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 closed Petitioner's FAP case due to excess income.

**DECISION AND ORDER**

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

AM/nr

  
\_\_\_\_\_  
Aaron McClintic  
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

