



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: July 7, 2023  
MOAHR Docket No.: 23-003246  
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 July 6, 2023, from Lansing, Michigan. Petitioner represented himself. The Department was represented by Amber Gibson.

### **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 Food Assistance Program (FAP) recipient on May 11, 2023, when the Department received his Mid-Certification Contact Notice. Exhibit A, p 18.
2. Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$[REDACTED] including the cost-of-living allowance. Exhibit A, p 5.
3. Petitioner is responsible for paying Medicare premiums in the monthly amount of \$164.90. Exhibit A, p 5.
4. Petitioner provided verification that he paid other health insurance premiums in the monthly amount of \$462.93 and prescription costs of \$173.11. Exhibit A, p 23.

5. Petitioner is responsible for monthly housing expenses in the monthly amount of \$935 and he is responsible for heating expenses separately from housing expenses.
6. On May 31, 2023, the Department notified Petitioner that he was eligible for ongoing Food Assistance Program (FAP) benefits with a \$63 monthly allotment. Exhibit A, p 24.
7. On May 25, 2023, the Department received Petitioner's request for a hearing protesting the amount of Food Assistance Program (FAP) benefits he is receiving. Exhibit A, p 3.

### **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.

All earned and unearned income available is countable unless excluded by policy. Earned income means income received from another person or organization or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned income. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (April 1, 2022), pp 1-17.

The Department redetermined Petitioner's eligibility for ongoing food assistance after receiving his Mid-Certification Contact Notice on May 11, 2023. Petitioner received monthly RSDI benefits in the gross monthly amount of \$[REDACTED] which is the amount before any deductions are made such as Medicare premiums.

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 that exceed \$35 during the benefit period. Department of Health and Human Services Bridges Eligibility Manual (BEM) 554 (January 1, 2020), pp 8-9.

Petitioner is responsible for a monthly Medicare premium of \$164.90, other monthly medical premiums of \$62.93, and a verified prescription of \$173.11. When these expenses are reduced by \$35, Petitioner is entitled to a \$366 medical deduction from his gross income.

Petitioner's adjusted gross income of \$[REDACTED] was determined by reducing his gross monthly income by the \$366 medical deduction and a \$193 standard deduction.

Petitioner is entitled to a deduction for shelter expenses of \$798, which was determined by reducing the total of his \$935 housing expense and the \$624 standard heat and utility deduction by 50% of his adjusted gross income.

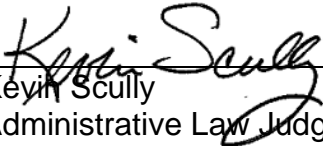
Petitioner's net income of \$[REDACTED] was determined by reducing his gross monthly income by the shelter deduction. A household of one with a net income of \$[REDACTED] is entitled to a \$63 monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2022), p 11.

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 June 1, 2023.

**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**  
Amber Gibson  
Ingham County DHHS  
5303 South Cedar  
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**MDHHS-Ingham-  
Hearings@michigan.gov**

**Interested Parties**  
Ingham County DHHS  
BSC2  
M. Holden  
D. Sweeney  
MOAHR

**Via-First Class Mail :**

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