



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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██████████, MI ██████████

Date Mailed: July 25, 2023  
MOAHR Docket No.: 23-003468  
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 July 19, 2023, from Lansing, Michigan. The Petitioner was represented by herself. Petitioner's grandmother ██████████ also appeared and testified for Petitioner. The Department of Health and Human Services (Department) was represented by Krista Grzeszak and Damon Holmes appeared for the Department. Department Exhibit 1, pp. 1-40 was received and admitted.

### **ISSUE**

Did the Department properly deny Petitioner's Food Assistance Program (FAP) application 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. On ██████████ 2023, Petitioner applied for FAP.
2. On June 6, 2023, Notice of Case Action was sent to Petitioner informing her that her FAP application was denied due to excess income. (Ex. 1, pp. 20-24)
3. On June 15, 2023, Petitioner requested hearing disputing the denial of FAP.
4. Petitioner and her mother have earned income totaling \$██████████ per month and unearned income totaling \$██████████ per month.
5. Petitioner is ██████████ years old.

6. Petitioner's household pays \$850 per month in housing expense and is responsible for utilities.

### **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.

#### **Parents and Children**

Children include natural, step and adopted children.

Parents and their children **under** 22 years of age who live together **must** be in the same group regardless of whether the child(ren) have their own spouse or child who lives with the group. BEM 212

In this case, Petitioner is ■ years old and lives with her mother. Department policy requires that parents and their children under 22 years of age must be in the same FAP group. BEM 212 Petitioner and her mother have employment income totaling \$■■■■ per month and \$■■■ in unearned income from child support. Petitioner and her mother have housing expense totaling \$■■■ per month and are responsible for heat and utilities. After deductions, Petitioner has \$■■■■ in net income. The net income limit for a group size of 2 is \$1,526. Therefore, Petitioner is over the net income limit and the denial for excess income was proper and correct and consistent with Department policy.

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 denied Petitioner's FAP application 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

**Via-Electronic Mail :**

**DHHS**  
Kimberly Kornoelje  
Kent County DHHS  
121 Franklin SE  
Grand Rapids, MI 49507  
**MDHHS-Kent-  
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**Interested Parties**  
Kent County DHHS  
BSC3  
M. Holden  
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MOAHR

**Via-First Class Mail :**

**Petitioner**  
[REDACTED]  
[REDACTED]  
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