



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: August 17, 2023
MOAHR Docket No.: 23-004079
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

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 August 10, 2023, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Deandranee Wright. Department Exhibit 1, pp. 1-24 was received and admitted.

ISSUE

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefit amount?

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 benefits.
2. On June 30, 2023, a Notice of Case Action was sent to Petitioner informing her that her FAP benefits would be reduced to \$136 effective August 1, 2023, for a group size of 2.
3. On July 10, 2023, Petitioner requested hearing disputing the reduction of FAP benefits.
4. Petitioner's household receives \$ [REDACTED] in unearned income from social security.
5. Petitioner pays \$547 per month towards her rent 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.

DEPARTMENT POLICY

Food Assistance Program (FAP) Only

Bridges uses certain expenses to determine net income for FAP eligibility and benefit levels.

For groups with **no** senior/disabled/disabled veteran (SDV) member, Bridges uses the following:

Dependent care expense.

Excess shelter up to the maximum in Reference Tables Manual (RFT) 255.

Court ordered child support and arrearages paid to non-household members.

For groups **with** one or more SDV member, Bridges uses the following: see Bridges Eligibility Manual (BEM) 550:

Dependent care expense.

Excess shelter.

Court ordered child support and arrearages paid to non-household members.

Medical expenses for the SDV member(s) that exceed \$35.

Complete either a manually calculated or Bridges budget to document expenses every time an expense change is reported. BEM 554 (April 2023)

In this case, Petitioner requested a hearing disputing the reduction of FAP benefits. Petitioner's household receives \$[REDACTED] in unearned income from social security. Petitioner pays \$547 towards rent and is responsible for utilities. After deductions from the standard deduction and excess shelter deduction Petitioner has \$[REDACTED] in net income. A household of 2 with \$[REDACTED] in net income is entitled to \$136 in FAP benefit. RFT 260 Petitioner questioned at hearing how she would be able to meet her basic food needs with the limited FAP she is receiving. The undersigned Administrative Law Judge does not have the authority to disregard the issuance tables and award more benefit to someone based on their individual circumstances.

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 FAP benefit amount.

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

Corlette Brown
Wayne-District 31 (Grandmont)
17455 Grand River
Detroit, MI 48227

**MDHHS-Wayne-31-Grandmont-
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Interested Parties

Wayne 31 County DHHS
BSC4
M. Holden
D. Sweeney
MOAHR

Via-First Class Mail :

Petitioner

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