



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: August 18, 2023
MOAHR Docket No.: 23-004094
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 August 10, 2023, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Dominique Durden. Department Exhibit 1, pp. 1-54 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's Food Assistance Program (FAP) and State Emergency Relief (SER) applications 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 filed an application for FAP, SER and MA.
2. On June 27, 2023, Dominique Durden spoke to Ms. ██████████ from ██████████ who told her Petitioner was making \$██████ per hour and expected to work 40 hours per week.
3. Petitioner earned \$██████████ for the check she received on June 14, 2023, based on working 66 hours for a two-week period.
4. On June 29, 2023, an SER Decision Notice was sent to Petitioner informing her that her application was denied due to excess income.

5. On June 29, 2023, Notice of Case Action was sent to Petitioner informing her that her that FAP was approved for \$22 for June 2023 and was denied for July 2023 and ongoing due to excess income. (Ex. 1, pp. 53-54)
6. Petitioner earned \$ [REDACTED] from [REDACTED] [REDACTED] in the 30 days prior to application. (Ex. 1, p.26)
7. Petitioner's son and household member [REDACTED] [REDACTED] earned \$ [REDACTED] in the 30 days prior to application. (Ex. 1, pp. 44-45)

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.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

SER INCOME NEED STANDARDS FOR ENERGY/LIHEAP AND WATER/SEWER SERVICES

INCOME LIMIT FOR ENERGY AND WATER/SEWER SERVICES (Effective 10/01/2022)	
Family Size	150% Federal Poverty Level/Month
1	\$1698
2	\$2288
3	\$2878
4	\$3468
5	\$4058
6	\$4648
7	\$5238
8	\$5828

INCOME LIMIT FOR ENERGY AND WATER/SEWER SERVICES (Effective 10/01/2022)

For each additional family member add \$590 per month.

In this case, with regard to the SER application, Petitioner requested assistance with heat, electricity and water/sewage. Petitioner has \$[REDACTED] in household income, based on Petitioner earning \$[REDACTED] from [REDACTED] and \$[REDACTED] from [REDACTED] and [REDACTED] [REDACTED] earning \$[REDACTED]. The income limit for Energy and Water/Sewage Services is \$2,288 for a household of 2. ERM 208 Therefore, Petitioner is over the income limit for the SER she applied for and the denial for being over the income limit was proper and correct and consistent with Department policy.


With regard to the FAP application, Petitioner has earned income totaling \$[REDACTED] based on the Petitioner's earnings from Elite and Villa and household member [REDACTED] [REDACTED] earnings. After the earned income deduction and standard deduction Petitioner has net income totaling \$[REDACTED]. The net income limit for a household of 2 is \$1,526. RFT 250 Therefore, Petitioner net income 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 and SER applications 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
Richard Latimore
Wayne-Conner-DHHS
4733 Conner
Detroit, MI 48215
**MDHHS-Wayne-57-
Hearings@michigan.gov**

Interested Parties
Wayne 57 County DHHS
BSC4
M. Holden
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T. Bair
MOAHR

Via-First Class Mail :

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