



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

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

Date Mailed: August 25, 2023
MOAHR Docket No.: 23-004215
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 August 23, 2023, from Lansing, Michigan. Petitioner represented himself, and [REDACTED] [REDACTED] testified on his behalf. The Department was represented by Mya Harris.

ISSUE

Did the Department of Health and Human Services (Department) properly determine his eligibility for Food Assistance Program (FAP) benefits?

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 is an ongoing Food Assistance Program (FAP) recipient as a household of one.
2. On July 18, 2023, the Department notified Petitioner that he was eligible for ongoing Food Assistance Program (FAP) benefits as a household of one with a \$23 monthly allotment of benefits.
3. Petitioner receives monthly unearned income in the gross monthly amount of \$[REDACTED] consisting of social security benefits and a pension.
4. On July 24, 2023, the Department received Petitioner's request for a hearing.

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.

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness. The Michigan Office of Administrative Hearings and Rules (MOAHR) may grant a hearing for any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits, or services are provided.
- Delay of any action beyond standards of promptness.
- For FAP only, the current level of benefits or denial of expedited service.

Department of Human Services Bridges Administrative Manual (BAM) 600
(March 1, 2021), p 5.

MOAHR will not grant a hearing regarding the issue of a mass update required by state or federal law unless the reason for the request is an issue of incorrect computation of program benefits or patient-pay amount. BAM 600, p 8.

The hearing record supports a finding that Petitioner was receiving a \$23 monthly allotment of FAP benefits as if February 1, 2023, and a supplemental benefit totaling \$258. The supplemental benefits were additional benefits granted due to the pandemic, but as of March 1, 2023, the Department stopped granting supplemental benefits, which raised the benefits of FAP recipients to the maximum amount available. The termination of emergency FAP supplements was a mass update applied to all FAP recipients. Therefore, Petitioner is not entitled to an administrative hearing protesting the termination of his supplemental FAP benefits and he remains an active recipient of FAP benefits. BAM 600, p 8.

However, in the alternative, if Petitioner is entitled to an administrative hearing, Petitioner's eligibility for FAP benefits will be evaluated to determine if there were any incorrect computations of his benefits.

The Department determined that Petitioner received unearned income in the gross monthly amount of \$[REDACTED] including social security benefits and a monthly pension payment. A household of one with a gross monthly income exceeding \$1,473 is normally not eligible for any FAP benefits, but this limit does not apply to senior and disabled households.

Petitioner's adjusted gross income of \$[REDACTED] was determined by reducing his gross monthly income by the \$193 standard deduction and the \$165 standard medical deduction, which is only available to senior and disabled FAP recipients.

Petitioner is entitled to a \$351 deduction for shelter expenses, which was determined by reducing the total of his \$500 monthly housing expenses and the \$624 standard heat and utility deduction by 50% of his adjusted gross income.

Petitioner's net monthly income of \$[REDACTED] was determined by reducing his adjusted gross income by the \$367 shelter deduction. A household of one with a net monthly income of \$[REDACTED] is entitled to a \$23 monthly allotment of FAP benefits. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2023), p 17.

Petitioner argued that he receives social security in the gross monthly amount of \$[REDACTED] after a \$164 deduction for Medicare premiums, and a \$76 monthly pension payment. Petitioner failed to offer any evidence that this was his correct income.

However, a household of one receiving a gross monthly income of \$[REDACTED] would result in an adjusted gross income of \$[REDACTED] after the standard and medical deductions. Petitioner would be entitled to a \$366 shelter deduction, leaving him with a net monthly income of \$[REDACTED]. A household of one with a net income of \$[REDACTED] is entitled to a \$23 monthly allotment of FAP benefits. RFT 260, p 16.


Therefore, the hearing record supports a finding that there has not been an incorrect computation of FAP benefits.

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).

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

