



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
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ACTING DIRECTOR

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██████████, MI ██████████

Date Mailed: September 7, 2023
MOAHR Docket No.: 23-004563
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 29, 2023, from Lansing, Michigan. The Petitioner was represented by his son ██████████ ██████████. The Department of Health and Human Services (Department) was represented by Hearing Facilitator Lori Turner. Department Exhibit 1, pp. 1-18 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 FAP recipient receiving \$1,090 per month for a group size of 6.
2. On July 19, 2023, Notice of Case Action was sent to Petitioner informing him that his FAP benefits were being reduced to \$613 per month for a group size of 6.
3. On July 24, 2023, Petitioner requested hearing disputing the reduction of FAP benefits.
4. Household member ██████████ ██████████ earns \$██████████ every two weeks in employment income.

5. Household member [REDACTED] [REDACTED] earns \$[REDACTED] in monthly employment income.
6. \$[REDACTED] per month self-employment income was budgeted for [REDACTED] [REDACTED]

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.

WHEN TO COMPLETE A BUDGET

FIP, SDA, RAP, and FAP

Client reporting requirements **do not** necessarily affect when a budget must be completed.

Complete a budget when either:

The department is made aware of, or the client reports a change in income that will affect eligibility or benefit level.
BEM 505

In this case, Petitioner's representative [REDACTED] [REDACTED] testified at hearing that Petitioner [REDACTED] [REDACTED] stopped earning self-employment income in May 2023 but that was not reported to the Department. In order for that income to be removed from the budget Petitioner needs to report and provide documentation to the Department confirming that the self-employment income has ended. BEM 505

Petitioner's household was receiving \$[REDACTED] in earned employment income and \$[REDACTED] in self-employment income. Petitioner did not provide any evidence to contradict the income information utilized by the Department to budget the FAP benefit amount. After subtracting the earned income deduction of \$669 and standard deduction of \$258, Petitioner had \$[REDACTED] in adjusted gross income. Petitioner has \$[REDACTED] in net income. A household of 6 with \$[REDACTED] in net income is entitled to \$613 per month in food


assistance. RFT 260 This was the amount determined by the Department and it 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 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

Tara Roland 82-17
Wayne-Greenfield/Joy-DHHS
8655 Greenfield
Detroit, MI 48228
**MDHHS-Wayne-17-
hearings@michigan.gov**

Interested Parties

Wayne 17 County DHHS
BSC4
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MOAHR

Via-First Class Mail :

Petitioner

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