



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR



Date Mailed: December 15, 2023
MOAHR Docket No.: 23-007543
Agency No.: [REDACTED]
Petitioner: [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 December 6, 2023, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Hannah Czechowski. Department Exhibit 1, pp. 1-32 was received and admitted. Petitioner Exhibit A, pp. 1-6 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, receiving \$291 per month.
2. On September 14, 2023, Petitioner submitted mid-certification paperwork and verifications.
3. On October 16, 2023, Notice of Case Action was sent to Petitioner informing her that she was approved for FAP in the amount of \$226 per month. (Ex, 1, pp. 15-19)
4. On October 30, 2023, Petitioner requested hearing disputing the reduction of her FAP benefits.

5. Petitioner's rental obligation was \$199 per month as of September 5, 2023. (Ex. 1, p.9)

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.

FAP Only

A food assistance worksheet must be completed at initial application, semi-annual, mid-certifications and at each redetermination for all approvals, denials and closures made based on income. In addition, the worksheet is used to document changes in assets, income and expenses, and to document supplemental benefits. The worksheet is not needed to document withdrawn requests or applications, but this must be documented somewhere within the case. BEM 554

In this case, Petitioner's FAP benefits were reduced following her mid-certification review because of a decrease in her monthly shelter expense. Petitioner receives \$928 in unearned income from social security. Petitioner housing expense is \$199. After the standard deduction and the excess shelter deduction, Petitioner has \$216 in net income. A household of 1 with \$216 in net income is entitled to \$226 in FAP benefits, this was the amount determined by the Department and it was proper and correct and consistent with Department policy. BEM 554 (January 2023)

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/ml



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

Susan Derseweh
Genesee County DHHS Clio Rd Dist.
4809 Clio Road
Flint, MI 48504

MDHHS-Genesee-Clio-Hearings@michigan.gov

Interested Parties

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Petitioner

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