



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

[REDACTED]
MI

Date Mailed: December 19, 2023
MOAHR Docket No.: 23-007966
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 12, 2023, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Raven Douthard Hearing Facilitator. Department Exhibit 1, pp. 1-50 and Exhibit 2, pp. 1-5 were received and admitted.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case 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 [REDACTED] 2023, Petitioner applied for FAP benefits.
2. On October 25, 2023, a Notice of Case Action was sent to Petitioner informing him that his FAP application was denied due to excess income.
3. On November 15, 2023, Petitioner requested hearing disputing the denial of FAP benefits.
4. On November 1, 2023, Petitioner was approved for FAP benefits in the amount of \$17 per month.

5. Petitioner receives [REDACTED] per month in social security benefits.
6. Petitioner receives [REDACTED] per month in foster care payments.
7. Petitioner pays \$1,100 in housing expense 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.

CHILD FOSTER CARE PAYMENTS

FAP only

Bridges counts these payments as the unearned income of the foster child who has a FAP program request status of yes. Reminder: A foster parent may choose whether or not to request FAP on behalf of a foster child. When FAP program request status for foster child is no, Bridges does not consider the child's needs or income in the FAP eligibility determination: see BEM 212, Foster Children, for details. BEM 503

DEPARTMENT POLICY FIP, SDA, RAP, CDC and FAP

A group's financial eligibility and monthly benefit amount are determined using:

- Actual income (income that was already received).
- Prospected income amounts (not received but expected).

Only countable income is included in the determination; see BEM 500.

Each source of income is converted to a standard monthly amount unless a full month's income will not be received; see standard monthly amount in this item. Note: For FAP, in the month of application the income is not converted to a monthly standard amount. BEM 505

In this case, Petitioner received three foster care payments in the month of application September 2023 and policy requires that actual income be used for the month of application. Petitioner had net income totaling [REDACTED] and the benefit amount for a

group size of 3 with [REDACTED] net income is zero. Therefore, Petitioner was over the income limit for FAP and the denial was consistent with Department policy. BEM 505

For subsequent months, Petitioner receives [REDACTED] in social security benefits and [REDACTED] in foster care payments. Petitioner has [REDACTED] in gross income. After subtracting the \$198 standard deduction, the \$165 medical deduction and the \$355 excess shelter deduction, Petitioner has [REDACTED] in net income. A household of 3 with [REDACTED] in net income is entitled to \$17 in FAP benefits from November 1, 2023, and ongoing. This was the amount determined by the Department and it was proper and correct and consistent with Department policy. Petitioner chose to include the foster children in his care in his FAP group therefore, the foster care payments were included in the budgeting. BEM 503

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

Jeanenne Broadnax
Wayne-Taylor-DHHS
25637 Ecorse Rd.
Taylor, MI 48180

MDHHS-Wayne-18-Hearings@michigan.gov

Interested Parties

BSC4
M Holden
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N Denson-Sogbaka
MOAHR

Via First Class Mail:

Petitioner

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