



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], MI [REDACTED]

Date Mailed: December 15, 2023
MOAHR Docket No.: 23-008117
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On November 2, 2023, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute her Food Assistance Program (FAP) benefit amount of \$23.00 per month. As a result, a hearing was scheduled to be held on December 14, 2023, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented herself. Respondent, Department of Health and Human Services (Department) had Brad Reno, Senior Eligibility Specialist/Hearings Specialist, appear as its representative. Neither party had any additional witnesses.

A 49-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly determine that Petitioner was eligible for a FAP benefit of \$23.00 per month?

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] [REDACTED] 2023, Petitioner applied for FAP benefits.
2. Petitioner has a household size of 2.
3. Petitioner is a non-senior/disabled/veteran household.
4. At the time Petitioner applied for FAP benefits, the Department determined that Petitioner had \$ [REDACTED] in earned income.

5. Petitioner pays rent of \$700.00 per month, and Petitioner is responsible for her heating/cooling utilities.
6. The Department determined that the maximum FAP benefit Petitioner was eligible for was \$13.00 per month for the prorated period of August 14, 2023, through August 31, 2023, and \$23.00 per month beginning September 1, 2023.
7. On October 12, 2023, the Department processed Petitioner's Medicaid redetermination and obtained income verification from The Work Number. The Department redetermined Petitioner's eligibility and it was determined that Petitioner exceeded the gross income limit. Therefore, Petitioner was denied FAP benefits effective December 1, 2023, and a Notice of Case Action was sent to Petitioner.
8. On November 2, 2023, Petitioner requested a hearing to dispute her FAP benefit amount.
9. On November 20, 2023, the Department reviewed an updated income report from The Work Number and found that Petitioner's income of \$[REDACTED] was not indicative of future income. Therefore, the Department redetermined Petitioner's eligibility based on the updated income information and determined that Petitioner is eligible for a \$23.00 monthly FAP benefit amount beginning December 1, 2023.

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 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 administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

The Department determines a client's monthly FAP benefit amount by determining the client's group size and net household income, and then looking that information up in its applicable Food Issuance Table. BEM 212 (January 1, 2022), BEM 213 (January 1, 2023), BEM 550 (April 1, 2023), BEM 554 (April 1, 2023), BEM 556 (January 1, 2023), RFT 255 (October 1, 2022), and RFT 260 (October 1, 2022). Here, there is no evidence that the Department did not properly determine Petitioner's FAP benefit amount.

To determine a client's countable income, the Department must use past income to prospect income for the future, unless changes are expected. BEM 505 (October 1,

2023), p. 6. In general, the Department uses income from the past 30 days if it appears to accurately reflect what is expected to be received in the benefit month. *Id.* If income from the past 30 days does not appear to accurately reflect what is expected to be received in the benefit month, and fluctuations of income during the past 60 or 90 days appear to accurately reflect the income that is expected to be received in the benefit month, then the Department uses income from the past 60 or 90 days. *Id.*

In this case, Petitioner's income of \$1,862.44 on September 8, 2023, was not indicative of future income and was excluded from income projection. Petitioner received \$1,450.44 on October 20, 2023, and \$1,487.11 on November 3, 2023. These income amounts were added and divided by 2. The total was then multiplied by 2.15 which equals a projected gross monthly earned income amount of \$ [REDACTED]

Based on Petitioner's household size of 2, Petitioner's earned income of \$3,157.00, the earned income deduction of \$632.00, the standard deduction of \$198.00, and the shelter deduction of \$217.00, the Department properly determined that Petitioner's net income was \$ [REDACTED] and Petitioner is eligible for a FAP benefit amount of \$23.00 per month.

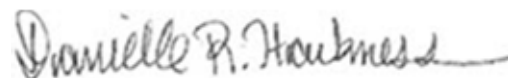
The Department followed the applicable policies and used the maximum deductions it was permitted to use to calculate Petitioner's net income and FAP benefit amount. Thus, the Department properly determined that Petitioner was eligible for a FAP benefit amount of \$23.00 per month.

DECISION AND ORDER

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 did act in accordance with its policies and the applicable law when it determined Petitioner's monthly FAP benefit amount.

IT IS ORDERED, the Department's decision is **AFFIRMED**.

DH/nr



Danielle R. Harkness
Administrative Law Judge
for Elizabeth Hertel, Director
Department of Health and Human Services

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

Janice Collins
Genesee County DHHS Union St
District Office
125 E. Union St 7th Floor
Flint, MI 48502

**MDHHS-Genesee-UnionSt-
Hearings@michigan.gov**

Interested Parties

Genesee (Union St) County DHHS
BSC2
M. Holden
N. Denson-Sogbaka
B. Cabanaw
MOAHR

Via-First Class Mail :

Petitioner

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