



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 [REDACTED]

Date Mailed: December 21, 2023
MOAHR Docket No.: 23-008232
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On November 7, 2023, Petitioner, [REDACTED] requested a hearing to dispute her Food Assistance Program (FAP) benefit amount. As a result, a hearing was scheduled to be held on December 19, 2023, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared and represented herself. Respondent, Department of Health and Human Services (Department) had Jennifer Sabo, Assistance Payments Supervisor, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 29-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly determine Petitioner's 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 is aged or disabled.
2. Petitioner has a household size of two.
3. Petitioner's spouse passed away in [REDACTED] 2023.
4. Petitioner was receiving [REDACTED] per month from social security, and a [REDACTED] quarterly benefit from state SSI.

5. After Petitioner's spouse passed away, Petitioner began receiving a widow's benefit from social security. The widow's benefit began in October 2023. With the widow's benefit, Petitioner received gross pay of [REDACTED] per month from social security.
6. Petitioner has Medicare coverage, and Petitioner's Part B Medicare premium is covered by Medicare Savings Program coverage.
7. Petitioner pays \$128.59 per month for housing expenses. The housing expenses consist of \$650.00 in annual property taxes and \$893.00 in annual homeowners' insurance. Petitioner is responsible for paying for utilities (including heating/cooling).
8. Petitioner pays to have her septic system pumped periodically.
9. Petitioner pays vehicle expenses.
10. On [REDACTED] 2023, Petitioner submitted an application for FAP benefits to the Department. Petitioner was receiving a \$516.00 monthly FAP benefit at the time.
11. On October 13, 2023, the Department mailed Petitioner a notice of case action to notify Petitioner that she was eligible for a \$415.00 monthly FAP benefit effective November 1, 2023. The Department determined that Petitioner was eligible for a \$415.00 monthly FAP benefit based on a budgeted income of [REDACTED] per month.
12. Subsequently, the Department received updated information from the Social Security Administration indicating that Petitioner was receiving [REDACTED] per month from social security. The Department updated Petitioner's case and recalculated her FAP benefit amount.
13. On November 17, 2023, the Department mailed Petitioner a notice of case action to notify Petitioner that she was eligible for a \$226.00 monthly FAP benefit effective December 1, 2023. The Department determined that Petitioner was eligible for a \$226.00 monthly FAP benefit based on a budgeted income of [REDACTED] per month.
14. Petitioner is disputing her FAP benefit amount.

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.

Petitioner requested a hearing to dispute her FAP benefit amount. The Department determined that Petitioner was eligible for a FAP benefit amount of \$415.00 per month effective November 1, 2023, and the Department determined that Petitioner was eligible for a FAP benefit amount of \$226.00 per month effective December 1, 2023.

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, 2023), and RFT 260 (October 1, 2023). Here, there is no evidence that the Department did not properly determine Petitioner's FAP benefit amount.

Based on Petitioner's household size of two, Petitioner's monthly gross income of [REDACTED], Petitioner's housing expenses of \$128.59 per month, and Petitioner's obligation to pay utilities (including heating/cooling), Petitioner's net income is [REDACTED] per month. Based on Petitioner's net income of [REDACTED] per month and Petitioner's group size of two, the maximum FAP benefit amount that Petitioner is eligible for is \$226.00 per month.

The Department determined that Petitioner was eligible for a FAP benefit amount of \$415.00 per month effective November 1, 2023, which is greater than the amount determined here. The Department also determined that Petitioner was eligible for a FAP benefit amount of \$226.00 per month effective December 1, 2023, which is the same as the amount determined here.

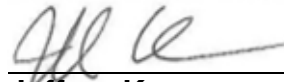
Although Petitioner may not actually have a net income of [REDACTED] to pay her expenses, the Department properly determined that Petitioner's net income was [REDACTED] for purposes of computing her FAP benefit amount. The Department followed the applicable policies and used the maximum deductions it was permitted to use to calculate Petitioner's net income and FAP benefit amount. The Department did not consider Petitioner's septic expenses or Petitioner's vehicle expenses because only allowable deductions stated in policy are allowed, and those are not allowable deductions stated in policy. Thus, the Department properly determined Petitioner's FAP benefit amount when it determined she was eligible for a FAP benefit of \$415.00 per month effective November 1, 2023, and a FAP benefit of \$226.00 per month effective December 1, 2023.

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 Food Assistance Program benefit amount.

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

JK/ml



Jeffrey Kemm
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

Jamie Dent

Grand Traverse/Leelanau County DHHS

701 S. Elmwood Suite 19

Traverse City, MI 49684

MDHHS-GrandTraverse-Hearings@michigan.gov

Interested Parties

BSC1

M Holden

B Cabanaw

N Denson-Sogbaka

MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED] MI [REDACTED]