



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

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Date Mailed: December 20, 2023
MOAHR Docket No.: 23-008372
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on December 19, 2023, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Crystal Hackney.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Department received Petitioner's application for Food Assistance Program (FAP) benefits on October ██████ 2023. Exhibit A, p 8.
2. Department records indicate that Petitioner's mandatory eligibility interview took place on November ██████ 2023. Exhibit A, p 23.
3. On November ██████ 2023, the Department notified Petitioner that she was eligible for Food Assistance Program (FAP) benefits as a household of one with no benefits in October and a \$█████ allotment of FAP benefits as of November 1, 2023. Exhibit A, p 38.
4. On November ██████ 2023, the Department received Petitioner's request for a hearing protesting her eligibility for the Food Assistance Program (FAP). Exhibit A, pp 3-6.

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 funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq*, and Mich Admin Code, R 400.3001 through 400.3011.

For approval of an application filed during any period a FAP group was not certified for benefits, the effective date is the date of application if the group is eligible for the application month, even if the benefit amount prorates to zero. Department of Health and Human Services Bridges Eligibility Manual (BEM) 556 (January 1, 2023), p 7.

The initial allotment of FAP benefits in the application month is prorated by the number of days remaining in the month including the application date, but if the initial benefit amount is less than \$10,00, the FAPO group will not receive an initial benefit. BEM 556, p 6.

In this case, Petitioner applied for FAP benefits, and her application was date stamped as being received on October █ 2023. Petitioner was found to be eligible for a \$█ monthly allotment of FAP benefits. Based on an application date of October █ 2023, and a household size of one, Petitioner was eligible for a \$█ allotment of FAP benefits but did not receive an initial benefit in October because that amount is less than \$10.

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 eligibility for Food Assistance Program (FAP) benefits including the determination that she was not eligible for an initial benefit in October.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dm



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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
Denise Key-McCoggle
Wayne-Greydale-DHHS
**MDHHS-Wayne-15-Greydale-
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Via-First Class Mail :

Petitioner

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