



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]
[REDACTED], MI [REDACTED]

Date Mailed: January 5, 2024
MOAHR Docket No.: 23-008836
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On November 29, 2023, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute his Food Assistance Program (FAP) benefit amount. As a result, a hearing was scheduled to be held on January 4, 2024, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and [REDACTED] [REDACTED] Authorized Hearing Representative, appeared on behalf of Petitioner. Respondent, Department of Health and Human Services (Department) had Patrick Doran, Eligibility Specialist appear as its representative. Sara Stellema, AP Supervisor, appeared as a witness for the Department.

A 45-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 of \$30.00 per month beginning October 6, 2023, and \$36.00 per month beginning November 1, 2023?

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 one.
3. Petitioner receives \$1,813.90 in Retirement, Survivors, and Disability Insurance (RSDI) and a monthly pension of \$188.56.

4. Petitioner pays rent of \$929.00 per month.
5. Petitioner's monthly medical expenses were \$165.00.
6. Petitioner pays for his own heat, electric, water, and telephone service.
7. The Department determined that the maximum FAP benefit Petitioner is eligible for is \$30.00 per month beginning October 6, 2023, and \$36.00 per month beginning November 1, 2023.
8. Petitioner requested a hearing to dispute his 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.

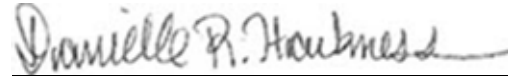
The Department determines a client's monthly FAP benefit amount by determining the client's group size and net household income, and then looking that information up in its applicable Food Issuance Table. BEM 212 (January 1, 2022), BEM 213 (January 1, 2023), BEM 550 (April 1, 2023), BEM 554 (April 1, 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.

Based on Petitioner's household size of one, Petitioner's unearned income of \$2,002.00, Petitioner's medical expenses of \$165.00, Petitioner's rent of \$929.00, and Petitioner's obligation to pay his heat, electric, water, and telephone service, the Department properly determined that Petitioner's net income was \$849.00, and the Department properly determined that the maximum FAP benefit Petitioner is eligible for is \$30.00 per month beginning October 6, 2023, and \$36.00 per month beginning November 1, 2023. 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 Petitioner's FAP benefit amount when it determined he was eligible for a FAP benefit of \$30.00 per month beginning October 6, 2023, and \$36.00 per month beginning November 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 acted in accordance with its policies and the applicable law when it determined Petitioner's FAP benefit amount.

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



DH/nr

Danielle R. Harkness
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
Kimberly Kornoelje
Kent County DHHS
121 Martin Luther King Jr St SE
Grand Rapids, MI 49507
**MDHHS-Kent-
Hearings@michigan.gov**

Interested Parties
Kent County DHHS
BSC3
M. Holden
N. Denson-Sogbaka
B. Cabanaw
MOAHR

Via-First Class Mail :

Petitioner

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

Authorized Hearing Rep.

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