



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], MI [REDACTED]

Date Mailed: January 11, 2024
MOAHR Docket No.: 23-009038
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On December 4, 2023, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute his Food Assistance Program (FAP) case closure. As a result, a hearing was scheduled to be held on January 10, 2024, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented himself. Respondent, Department of Health and Human Services (Department), had Shana Bush, Lead Worker, appear as its representative.

A 21-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly close Petitioner's FAP case?

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 has a household size of 4.
2. On August 23, 2023, a FAP redetermination interview was completed, and the reported income and expenses were budgeted.
3. All members of Petitioner's FAP group received \$2,871.00 per month from RSDI. A monthly adoption subsidy of \$1,048.88 was also received for 2 of Petitioner's FAP group members.
4. Petitioner reported medical expenses of \$1,140.00.

5. Petitioner reported \$823.49 in housing expenses, and Petitioner is responsible for paying for heat and utilities.
6. The Department determined that Petitioner had a group size of 4, and had a countable net income of \$ [REDACTED] which exceeds the limit to be eligible for FAP benefits.
7. On November 20, 2023, the Department issued a Notice of Case Action to Petitioner to notify him that his FAP benefits were going to end effective August 1, 2023, because his net income exceeded the limit to be eligible.
8. Petitioner requested a hearing to dispute the Department's decision.

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.

In this case, Petitioner is disputing the Department's decision to end his FAP benefits. The Department closed Petitioner's FAP case because the Department determined that Petitioner's household income exceeded the income limit.

The Department must verify countable income at Redetermination/Renewal. BEM 502 (October 1, 2019), p. 6. Based on the information submitted by Petitioner, Petitioner's group member was determined to have self-employment income of \$ [REDACTED]. The Department indicated that self-employment expenses were not provided at the time of the redetermination. Exhibit A, p. 1. The Department failed to establish that it properly determined Petitioner's countable self-employment income in determining his FAP eligibility. The testimony of the department representative indicated that the self-employment income for Petitioner's FAP group is \$1,852.58. However, the self-employment income used at redetermination was \$ [REDACTED] *Id* at p. 4. It is unclear how the Department calculated the self-employment income of \$ [REDACTED].

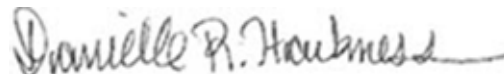
DECISION AND ORDER

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 failed to establish that it properly determined Petitioner's FAP eligibility.

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Petitioner's FAP benefit eligibility beginning August 1, 2023.



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

Vivian Worden
Macomb County DHHS Mt. Clemens
44777 Gratiot
Clinton Township, MI 48036
**MDHHS-Macomb-12-
Hearings@michigan.gov**

Interested Parties

Macomb 12 County DHHS
BSC4
M. Holden
N. Denson-Sogbaka
B. Cabanaw
MOAHR

Via-First Class Mail :

Petitioner

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